FEDERAL REGISTER

VOLUME 12 NUMBER 215

Washington, Saturday, November 1, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 901—HANDLING OF WALNUTS IN CALIFORNIA, OREGON, AND WASHINGTON

CREDIT VALUES FOR MERCHANTABLE WALNUTS

The marketing agreement, as amended, and section 1 of Article IV (§ 901.5 (a)) of the marketing order, as amended (7 CFR 901.1 et seq., 7 CFR, Cum. Supp. 901.4, 901.17, 901.19; 12 F. R. 5033), regulating the handling of walnuts grown in California, Oregon, and Washington, issued under Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), requires the Walnut Control Board, under the aforementioned marketing agreement and order, to establish, subject to the approval of the Secretary of Agriculture, credit values for merchantable walnuts for each crop year. For the 1947–48 crop year (August 1, 1947, through July 31, 1948) the Walnut Control Board has approved the credit values for merchantable walnuts as set forth below. Therefore, *It is hereby ordered,* That such credit values for merchantable walnuts for the 1947–48 crop year be as follows:

§ 901.300 *Credit values for merchantable walnuts for the 1947–48 crop year (August 1, 1947 through July 31, 1948)* The credit values for packs of merchantable walnuts during the 1947–48 crop year (August 1, 1947, through July 31, 1948) shall be the following prices for the respective packs, expressed in cents per pound:

Packs	First quality	Second quality	Third quality
Jumbo "Budded" and Budded varities packed separately	31.07	28.69	28.22
Jumbo Soft Shell	30.12	27.74	27.27
Large "Budded" and Budded varieties packed separately	29.17	28.79	28.32
Large Soft Shell	28.22	25.84	25.37
Medium "Budded" and Budded varieties packed separately	25.84	24.42	23.94
No. 1's or No. 1 Soft Shell	25.84	24.42	23.94
Medium Soft Shell	24.89	23.47	22.99
Baby Eureka	22.99	22.69	22.62
Long Type Baby (other than Eureka)	22.04	22.04	21.57
Round Type Baby	21.69	21.69	20.62
Baby Soft Shell	21.69	21.69	20.62

It is hereby found and determined that compliance in this instance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) is impracticable, unnecessary, and contrary to the public interest. By the terms of the aforementioned marketing agreement and order: salable and surplus percentages of merchantable walnuts must be fixed for each crop year; the surplus portion must, with certain specified exceptions, either be delivered, or its cash value paid, to the Walnut Control Board, and it is essential that the credit values be established promptly in order that the monetary obligations in connection with the surplus portion may be computed as soon as practicable. With respect to the current crop year (August 1, 1947, through July 31, 1948), shipments of merchantable walnuts have already begun. The Walnut Control Board has been unable to establish the credit values for the current crop year heretofore by reason of the fact that such values are predicated on the opening prices, to the trade, for merchantable walnuts for the current crop year, which opening prices were not announced until October 4, 1947. In addition, by the terms of the aforementioned Marketing Agreement and Order, such credit values for the current crop year must be established, in any event, not later than October 15, 1947. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR 901.5 (a) as amended, 12 F. R. 5033)

Issued this 4th day of October 1947, to become effective as of the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] WALNUT CONTROL BOARD,
W. G. GOODSPEED,
Secretary-Manager.

Approved: October 29, 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-9781; Filed, Oct. 31, 1947; 8:48 a. m.]

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[Lemon Reg. 246]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.353 *Lemon Regulation 246*—(a) *Findings* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 2, 1947, and ending at 12:01 a. m., P. s. t., November 9, 1947, is hereby fixed at 225 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 245 (12 F. R. 6346) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 30th day of November 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-9327; Filed, Oct. 31, 1947; 8:52 a. m.]

[1] P. L. O. 423.

[Orange Reg. 202]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.348 *Orange Regulation 202*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 2, 1947, and ending at 12:01 a. m., P. s. t., November 9, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, 1350 carloads; and (*c*) Prorate District No. 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 100 carloads; (*b*) Prorate District No. 2, no movement; and (*c*) Prorate District No. 3, 10 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 *et seq.*)

Done at Washington, D. C., this 30th day of October 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 A. M. Nov. 2, 1947 to 12:01 A. M. Nov. 9, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total:	100.0000
A. F. G. Alta Loma	0.0687
A. F. G. Fullerton	.0000
A. F. G. Orange	.8785
A. F. G. Redlands	.3161
A. F. G. Riverside	.1841
A. F. G. San Juan Capistrano	.0000
A. F. G. Santa Paula	.5120
Corona Plantation Co.	.3210
Hazeltine Packing Co	.5354
Placentia Pioneer Valencia Growers Association	.8965
Signal Fruit Association	.1067
Azusa Citrus Association	0000
Azusa Orange Co., Inc	.1817
Damerel-Allison Co	.0000
Glendora Mutual Orange Association	.0000
Irwindale Citrus Association	.0000
Puente Mutual Citrus Association	.2800
Valencia Heights Orchards Association	.5975
Glendora Citrus Association	0000
Glendora Heights O. & L. Growers Association	.0000
Gold Buckle Association	.0000
La Verne Orange Association	.8175
Anaheim Citrus Fruit Association	1.8914
Anaheim Valencia Orange Association	1.9533
Eadington Fruit Co., Inc	2.7752
Fullerton Mutual Orange Association	2.2128
La Habra Citrus Association	1.3830

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Orange County Valencia Association	0.9424
Orangethorpe Citrus Association	1.5241
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	0000
Alta Loma Heights Citrus Association	.0000
Citrus Fruit Growers	.0000
Cucamonga Citrus Association	.0000
Etiwanda Citrus Fruit Association	.0000
Old Baldy Citrus Association	.0000
Rialto Heights Orange Growers	.0000
Upland Citrus Association	.0000
Upland Heights Orange Association	.0000
Consolidated Orange Growers	2.6839
Frances Citrus Association	1.3138
Garden Grove Citrus Association	2.2055
Goldenwest Citrus Association, The	1.9666
Irvine Valencia Growers	3.2572
Olive Heights Citrus Association	2.3452
Santa Ana-Tustin Mutual Citrus Association	1.3239
Santiago Orange Growers Association	5.2563
Tustin Hills Citrus Association	2.3960
Villa Park Orchards Association, The	2.4924
Andrews Bros. of California	.6464
Bradford Bros., Inc	.8990
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	3.3730
Call Ranch	.0000
Carona Citrus Association	.6070
Jameson Co	.0625
Orange Heights Orange Association	4671
Break & Son, Allen	.0000
Bryn Mawr Fruit Growers Association	.0000
Grafton Orange Growers Association	.5210
E. Highlands Citrus Association	.0000
Fontana Citrus Association	.1214
Highland Fruit Growers Association	.0000
Krinard Packing Co	.3621
Mission Citrus Association	.1833
Redlands Cooperative Fruit Association	.0000
Redlands Heights Groves	4083
Redlands Orange Growers Association	.3472
Redlands Orangedale Association	.0000
Redlands Select Groves	.2144
Rialto Citrus Association	.0000
Rialto Orange Co	.1995
Southern Citrus Association	.0000
United Citrus Growers	.1921
Zilen Citrus Co	.0000
Andrews Bros. of California	.1801
Arlington Heights Fruit Co	.1667
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1937
Hemet Mutual Groves	.1373
Highgrove Fruit Association	.0963
McDermont Fruit Co	.2358
Mentone Heights Association	.0000
Monte Vista Citrus Association	.0000
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0744
Sierra Vista Packing Association	0000
Victoria Avenue Citrus Association	.2334
Claremont Citrus Association	.1861
College Heights O. & L. Association	.2751
El Camino Citrus Association	.0000
Indian Hill Citrus Association	.0000
Pomona Fruit Growers Exchange	.4715
Walnut Fruit Growers Association	.5729
West Ontario Citrus Association	.0000
El Cajon Valley Citrus Association	.0000

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Escondido Orange Association	3.2071
San Dimas Orange Growers Association	6675
Covina Citrus Association	1.4146
Covina Orange Growers Association	.5432
Duarte-Monrovia Fruit Exchange	.0000
Santa Barbara Orange Association	.0000
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	1.1847
San Fernando Fruit Growers Association	.0000
San Fernando Heights Orange Association	1.2638
Sierra Madre-Lamanda Citrus Association	0000
Camarillo Citrus Association	1.9679
Fillmore Citrus Association	4.3929
Mupu Citrus Association	3.3177
Ojai Orange Association	1.2512
Piru Citrus Association	2.6047
Santa Paula Orange Association	1.2661
Tapo Citrus Association	1.2407
Limoneira Co	.0000
El Whittier Citrus Association	.5308
El Ranchito Citrus Association	1.6462
Murphy Ranch Co	.5682
Rivera Citrus Association	.0000
Whittier Citrus Association	.9921
Whittier Select Citrus Association	6199
Anaheim Cooperative Orange Association	1.8201
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.4383
Euclid Avenue Orange Association	.5570
Foothill Citrus Union, Inc	.0000
Fullerton Cooperative Orange Association	.0000
Garden Grove Orange Cooperative, Inc	.0000
Glendora Cooperative Citrus Association	.0000
Golden Orange Groves, Inc	.0000
Highland Mutual Groves	.0000
Index Mutual Groves	.0000
La Verne Cooperative Citrus Association	1.8712
Olive Hillside Groves	.0000
Orange Cooperative Citrus Association	0000
Redlands Foothill Groves	.6644
Redlands Mutual Orange Association	0000
Riverside Citrus Association	.0969
Ventura County O. & L. Association	1.1947
Whittier Mutual O. & L. Association	.0000
Babijuice Corp. of California	.0000
Banks Fruit Co	.0000
Banks, L. M	.0000
Borden Fruit Co	1.2895
California Fruit Distributors	.4315
Cherokee Citrus Co., Inc	.0000
Chess Co., Meyer W	.3577
Escondido Avocado Growers	.0000
Evans Brothers Packing Co	.0000
Furr, N. C	.0196
Gold Banner Association	.0000
Granada Hills Packing Co	.0000
Granada Packing House	.0000
Hill, Fred A	0000
Inland Fruit Dealers	.0979
Mills, Edward	.0000
Orange Belt Fruit Distributors	2.8760
Panno Fruit Co., Carlo	.0839
Paramount Citrus Association	.0000
Placentia Orchards Co	.6360
San Antonio Orchards Co	.6286
Santa Fe Groves Co	.0668

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Snyder & Sons Co., W. A	1.2664
Stephens, T. F	.0981
Sunny Hills Ranch, Inc	.0000
Ventura County Citrus Association	.0000
Verity & Sons Co., R. H	.0475
Wall, E. T	.0000
Webb Packing Co	.0000
Western Fruit Growers, Inc., Redistributors	.8711
Yorba Orange Growers Association	.8612

NAVEL ORANGES

Prorate District No. 1

Total	100.0000
A. F. G. Lindsay	2.6438
A. F. G. Porterville	1.8618
Ivanhoe Cooperative	.5148
Doffiemyer, W. Todd & Son	.5205
Elderwood Citrus Association	.9369
Exeter Citrus Association	3.1144
Exeter Orange Growers Association	1.4503
Exeter Orchards Association	1.4398
Hillside Packing Association, The	1.7545
Ivanhoe Mutual Orange Association	1.1709
Klink Citrus Association	4.1191
Lemon Cove Association	1.5851
Lindsay Citrus Growers Association	2.6795
Lindsay Cooperative Citrus Association	1.4826
Lindsay District Orange Association	1.6986
Lindsay Fruit Association	2.0581
Lindsay Orange Growers Association	.8301
Naranjo Packing House Co	7910
Orange Cove Citrus Association	3.2414
Orange Cove Orange Growers Association	2.5952
Orange Packing Co	1.2142
Orosi Foothill Citrus Association	1.2240
Paloma Citrus Fruit Association	1.0623
Pogue Packing House, J. E	.5950
Rocky Hill Citrus Association	1.6372
Sanger Citrus Association	3.4700
Sequoia Citrus Association	.8321
Stark Packing Corp	2.2056
Visalia Citrus Association	.9136
Waddell & Son	2.1475
Butte County Citrus Association, Inc	.5735
Mills Orchards Co., James	.6764
Baird-Neece Corp	1.7737
Beattie, Agnes M	4132
Grand View Heights Citrus Association	2.0913
Magnolia Citrus Association	2.0974
Porterville Citrus Association, The	1.1662
Richgrove-Jasmine Citrus Association	1.6165
Sandiland Fruit Co	1.4256
Strathmore Cooperative Association	1.7804
Strathmore District Orange Association	1.9288
Strathmore Fruit Growers Association	1.2141
Strathmore Packing House Co	1.5952
Sunflower Packing Association	2.3477
Sunland Packing House	2.0247
Terra Bella Citrus Association	1.4748
Tule River Citrus Association	1.1672
Vandalia Packing Association	.9184
Kroells Brothers, Ltd	1.4392
Lindsay Mutual Groves	1.9938
Martin, J. D. Ranch	1.4204
R. M. C. Porterville	2.2316
Abbate Co., The Charles	.5400
Anderson Packing Co., R. M	7118

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Baker Bros	0.1231
Calif. Cit. Groves, Inc., Ltd	1.7734
Evans Brothers Packing Co	1.8577
Exeter Groves Packing Co	1.7885
Ghianda Ranch	.0201
Harding & Leggett	1.7311
Lo Bue Brothers	1.0239
Marks, W. & M	.4892
Rooke Packing Co., B. G	1.0097
Webb Packing Co., Inc	1.2205
Wollenman Packing Co	.9324
Woodlake Heights Packing Corp	7703

Prorate District No. 3

Total	100.0000
Leppla-Pratt Produce Distributors, Inc	16.0373
McKellips Phoenix Citrus Co., Inc., C. H	10.6783
Phoenix Citrus Packing Co	3.7244
Arizona Citrus Growers	24.1040
Bumstead, Dale	.0977
Chandler Heights Citrus Growers	2.8057
Mesa Citrus Growers	26.2637
Yuma Mesa Fruit Grow	.2517
Libbey Fruit Packing Co	4.0762
Pioneer Fruit Co	5.0162
Tempe Citrus Co	2.0322
Dhuyvetter Bros	1.3145
Ishikawa, Paul	.2918
Morris Brothers Fruit Co	.3107
Orange Belt Fruit Distributors	.2138
Valley Citrus Packing Co	2.1493

[F. R. Doc. 47-9826; Filed, Oct. 31, 1947; 8:52 a. m.]

PART 968—MILK IN THE WICHITA, KANS., MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 968.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held upon a proposed marketing agreement and on proposed amendments to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area; a recommended decision (12 F. R. 6010) was issued on September 5, 1947; and the decision (12 F. R. 6749) was issued on October 9, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order, as amended and as hereby further amended and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary, in the public interest, to make the amendments hereinafter set forth effective not later than the effective date specified hereinafter so as to reflect current marketing conditions and to give to the producers an immediate assurance of "floor" prices on Class I milk and Class II milk, below which such prices may not fall, for the period from the effective date hereof to March 1, 1948, as an incentive to a needed increase in milk production during the fall and winter months of 1947–48. Any delay beyond the specified effective date hereof in making effective such amendments to the order, as amended, will seriously threaten the supply of milk in the Wichita, Kansas, marketing area. The need for these amendments was also disclosed in the decision (12 F. R. 6749) which was issued in this connection. These amendments are well known to the handlers; the hearing having been held on these amendments on July 24 and 25, 1947, the recommended decision having been published in the FEDERAL REGISTER on September 10, 1947, and the final decision having been published in the FEDERAL REGISTER on October 14, 1947; and a reasonable time is permitted, under the circumstances, for preparation for such effective date. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making these amendments effective as of the specified effective date hereof; and that it would be contrary to the public interest to delay the effective date of these amendments to a date later than the specified date thereof.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed

within the Wichita, Kansas, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1947) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is hereby ordered, that such handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 968.1 by deleting paragraph (f) thereof and substituting therefor the following:

(f) "Handler" means any person who, on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all or a portion of the milk purchased or received by him at an approved plant from (1) producers, (2) his own production, and (3) other handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

2. Further amend § 968.1 by adding thereto the following paragraphs:

(j) "Approved plant" means any plant approved by the health authorities of the City of Wichita, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all the functions of receiving, weighing (or measuring) sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

(k) "Milk product" means any product manufactured from milk or milk ingredients except products which fall within the definition of Class III milk pursuant to subparagraph (3) of paragraph (b) of § 968.3 and which are disposed of in the form in which received without further processing or packaging by the handler.

3. Delete paragraph (a) of § 968.3 and substitute therefor the following:

(a) *Basis of classification.* All milk and milk products purchased, received or produced by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, shall be reported by the handler in the classes set forth in paragraph (b) of this section subject to the following conditions:

(1) Except as provided in subparagraph (3) of this paragraph, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I if moved in the form of milk or skim milk, and Class II if moved in the form of cream.

(2) Except as provided in subparagraph (3) of this paragraph, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream, unless the purchaser certifies that the market administrator may verify his records. If the market administrator is permitted to verify the necessary records such milk, skim milk, or cream shall be classified as follows: (i) Determine the classification of all milk received in the unapproved plant, and (ii) allocate the milk, skim milk, or cream received from the approved plant to the highest use classification remaining after subtracting in series beginning with the highest use classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market administrator determines constitute its regular source of milk for Class I and Class II use.

(3) Milk, skim milk, or cream, which is moved to an unapproved plant from an approved plant which regularly receives type C milk, and which is sold as "type C milk for manufacturing only" and is so tagged or labeled, may be classified as Class III milk up to the extent of the receipt of type C milk at the approved plant.

(4) Except as provided in subparagraph (1) of this paragraph, milk, skim milk, or cream, moved from an approved plant to an unapproved plant which does not distribute fluid milk or cream shall be classified as Class III milk.

(5) Milk or skim milk sold or disposed of by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk: *Provided,* That if such milk or skim milk, except milk or skim milk sold or disposed of by such handler to another handler who purchases or receives no milk from producers, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, it shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(6) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk: *Provided,* That if such cream, except cream sold or disposed of by such handler to another handler who purchases or receives no milk from producers, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(7) Milk, skim milk, or cream sold or disposed of by a handler who receives no milk from producers to another handler who receives milk from producers shall be classified in the lowest use classification of the purchasing handler.

4. Delete paragraph (b) of § 968.3 and substitute therefor the following:

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (a) of this section the classes of utilization shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of for consumption as milk, skim milk, buttermilk, flavored milk and milk drinks, and all milk not classified as Class II milk or Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream (other than for use in products specified in subparagraph (3) of this paragraph), cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk, used to produce butter, cheese (other than cottage cheese), evaporated milk, condensed milk, ice cream, ice cream mix and powdered milk; disposed of as livestock feed; used for starter churning, wholesale baking and candy making purposes; the milk equivalent of butterfat accounted for as loss in products where the salvage of fat is impossible; and the milk equivalent of unaccounted for butterfat not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

5. Delete subparagraphs (1) (2), and (3) of paragraph (d) of § 968.3 and substitute therefor the following:

(1) Determine the total pounds of milk received as follows: add together total pounds of milk received at approved plants from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) Multiply by its average butterfat test the weight of the milk received at approved plants from (*a*) producers, (*b*) own farm production, (*c*) other handlers, and (*d*) other sources, and (ii) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, and subtract the weight of any flavoring materials included, (ii) multiply the result by the average butterfat test of such milk, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and

Class III milk, computed pursuant to subparagraphs (4) (ii) and (5) (iv) of this paragraph is less than the total pounds of butterfat received computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subdivision (i) of this subparagraph.

6. Add to § 968.4 (a) (1) the following proviso: *"Provided,* That for any delivery period prior to March 1, 1948, the price shall be not less than $5.00."

7. Add to § 968.4 (a) (2) the following proviso: *"Provided,* That for any delivery period prior to March 1, 1948, the price shall be not less than $4.75."

8. Amend paragraph (e) of § 968.6 by adding thereto the following phrase: "either directly from producers or at the plant of another handler at the class prices provided pursuant to § 968.4 (a) (1) and (2) "

9. Delete subparagraph (5) of paragraph (b) of § 968.7 and substitute therefor the following:

(5) Compute the total value of the milk which is in excess of the delivered base of producers computed pursuant to subparagraph (4) of this paragraph and which is included in the computation pursuant to paragraph (a) of this section as follows: (i) Determine the classification of milk in excess of base by allocating such milk first to Class III milk and then to each succeeding higher classification until all such milk has been classified; (ii) multiply the total pounds of excess milk allocated to each class by the appropriate class prices provided in paragraph (a) of § 968.4; and (iii) add together the resulting amounts.

10. Amend § 968.7 (b) by renumbering subparagraph (8) as subparagraph (9) and inserting as subparagraph (8) the following:

(8) Divide the result obtained in subparagraph (5) of this paragraph by the total hundredweight of milk in excess of the delivered base of producers. This result shall be known as the "excess price" for such delivery period.

11. Delete § 968.8 (a) (2) and substitute therefor the following:

(2) To each producer, except as set forth in subparagraph (3) of this paragraph, not less than the excess price, computed pursuant to § 968.7 (b) (8), for that quantity of milk received from such producer in excess of such producer's base; and

12. Delete § 968.9 and substitute therefor the following:

§ 968.9 *Base rating*—(a) *Determination of period base.* For each delivery period the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the applicable figure computed pursuant to paragraphs (b) (1) (b) (2) or (b) (3) of this section by the number of days during such delivery period on which milk was received from such producer.

(b) *Determination of daily base.* (1) Effective January 1, 1948, and for each subsequent year thereafter the daily base of each producer, who regularly delivered milk to a handler during the next previous delivery periods of August, September, October, and November shall be computed by the market administrator in the following manner:

(i) Determine for each such producer his average daily delivery of milk to a handler for the time he delivered during the period from the next previous August 1 to November 30.

(2) The daily base of each producer who did not regularly deliver milk to a handler during the next previous delivery periods of August, September, October, and November but who began deliveries of milk to a handler subsequent to August 31 shall be computed by the market administrator in the following manner:

(i) For each delivery period from the date upon which the producer first delivers milk to a handler until the end of the next full calendar year the market administrator shall multiply such producer's daily average deliveries of milk during such period by the percentage that total base deliveries are to total deliveries of all producers.

(3) In case of a handler who is also a producer and who disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine the daily average of the total sales of Class I milk and Class II milk by such producer during the preceding three months. The figures so determined shall be such producer's base until his base may be established pursuant to subparagraph (1) of this paragraph.

(c) *Base rules.* (1) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in paragraphs (b) (1) or (b) (2) of this section.

(2) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(3) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another; provided, that at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(4) Base may be transferred only under the following conditions: (i) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (ii) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(5) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(6) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.1 (e) but whom the Wichita Board of Health has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita, Kansas.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq., Sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued at Washington, D. C., this 29th day of October 1947, to be effective on and after the 1st day of November 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-9762; Filed, Oct. 31, 1947; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF SKY HARBOR SEAPLANE BASE, DULUTH, MINN., AND C. A. A. FIELD, JUNEAU, ALASKA, AS TEMPORARY AIRPORTS OF ENTRY FOR ALIENS

Paragraph (b) of § 110.3, *Airports of entry,* Chapter I, Title 8, Code of Federal Regulations, is amended by inserting "Duluth, Minn., Sky Harbor Seaplane Base" between "Cut Bank, Mont., Cut Bank Airport" and "Fort Yukon, Alaska, Fort Yukon Airfield" and by inserting "Juneau, Alaska, C. A. A. Field" between "International Falls, Minn., International Falls Municipal Airport" and "Laredo, Tex., Laredo Municipal Airport" in the list of temporary airports of entry for aliens.

Notices of the proposed designations of the Sky Harbor Seaplane Base, Duluth, Minnesota, and the C. A. A. Field, Juneau, Alaska, as temporary airports of entry for aliens were published in the FEDERAL REGISTER of September 30, 1947 (12 F. R. 6436) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003)

The designations of these airports are based upon a determination that there is a substantial need therefor, and the purpose of the designations is to make provisions for convenient and adequate compliance with immigration requirements.

The designations made hereby shall become effective on November 1, 1947. The delayed effective date requirements

of section 4 (c) of the Administrative Procedure Act are dispensed with because (1) it is in the public interest that the immigration facilities in question be made available not later than November 1, 1947, and (2) these airfields have been designated as airports of entry for customs purposes effective on that date (12 F R. 6718)

(Sec. 7 (d) 44 Stat. 572; 49 U. S. C. 177 (d), sec. 1, 54 Stat. 1238; 5 U. S. C. 133t)

TOM C. CLARK,
Attorney General.

Recommended: October 27, 1947.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-9762; Filed, Oct. 31, 1947; 8:49 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

PARTIAL REVOCATION OF WITHDRAWAL OF PUBLIC LANDS IN ALASKA FOR WAR DEPARTMENT USE

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 423 under Title 43, *infra*, revoking in part Public Land Order 71, which withdrew certain public lands in Alaska for the use of the War Department for military purposes.

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

EXPIRATION OF PART

In accordance with Public Law 386, 80th Congress, approved August 8, 1947, this part will not be effective after November 1, 1947.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-9723; Filed, Oct. 31, 1947; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 155—SEA FOOD INSPECTION

INSPECTION OF CANNED SHRIMP

Under the authority of section 702A of the Federal Food, Drug, and Cosmetic Act, as amended (49 Stat. 871, 21 U. S. C. and Sup. V 372a) § 155.12 (b) of the regulations for the inspection of canned shrimp published in the FEDERAL REGISTER of July 2, 1942 (7 F. R. 4945) as amended in the FEDERAL REGISTER of June 10, 1943 (8 F P. 7751) June 15, 1944 (9 F R. 6583) June 30, 1945 (10 F R. 7971) October 1, 1945 (10 F. R. 12800) June 1, 1946 (11 F. R. 5904) and May 23, 1947 (12 F R. 3318) is hereby amended by inserting between the first and second sentences thereof the following: "Whenever it is determined, without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity, to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance monthly deposits falling due after such calamity will be required from the operator of such establishment for that fiscal year; but whenever it is determined, without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been so damaged by any such calamity that packing operations must be suspended temporarily, and can be resumed before the end of the fiscal year then current, payment of the advance monthly deposits falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this sentence the total deposits made by the operator involved shall be charged with the cost of the service made available for the establishment, without regard to the method provided hereinafter for computing charges against deposits and the balance of the total deposits remaining after such charges shall be returned by the Administration to the operator of the establishment after the completion of the fiscal year."

This amendment shall be effective as of September 30, 1947. This effective date is necessary, and I so find, in order that the amendment be made applicable before October 1, 1947 to shrimp packing establishments which in September, 1947 were damaged or demolished by hurricane.

Notice and public procedure are not necessary prerequisites to the promulgation of these regulations, and I so find, since public participation in the formulation of these regulations would be of no affirmative value to interested parties.

(Sec. 702A, 49 Stat. 871, as amended; 21 U. S. C. and Sup. 372a)

Dated: October 27, 1947.

[SEAL] OSCAR R. EWING,
Administrator

[F. R. Doc. 47-9750; Filed, Oct. 31, 1947; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.53]

PART 10—PROCEDURE FOR THE HANDLING AND SETTLEMENT OF CERTAIN TORT CLAIMS COGNIZABLE UNDER THE FEDERAL TORT CLAIMS ACT AND THE SMALL CLAIMS ACT, AND OF CLAIMS COGNIZABLE ONLY UNDER THE ACT OF JUNE 19, 1939

OCTOBER 24, 1947.

Sec.
10.1 Purpose.
10.2 Delegation of authority for adjudication and settlement of claims.

SUBPART A—GENERAL PROVISIONS

10.3 Definitions.
10.4 Action by claimant.
10.5 Approval of claim.
10.6 Acceptance of settlement by claimant.

SUBPART B—FEDERAL TORT CLAIMS ACT

10.7 General.
10.8 Allowable claims.
10.9 Exclusions.
10.10 Application to claims not previously adjusted.
10.11 Statute of limitations.
10.12 Payment of claim.
10.13 Withdrawal of claim.
10.14 Attorneys' fees.
10.15 Questions of law.

SUBPART C—SMALL CLAIMS ACT

10.16 General.
10.17 Exclusion.
10.18 Statute of limitations.
10.19 Payment of claim.

SUBPART D—ACT OF JUNE 19, 1939

10.20 General.
10.21 Exclusion.
10.22 Statute of limitations.
10.23 Action by claimant.
10.24 Payment of claim.

AUTHORITY: §§ 10.1 to 10.24, inclusive, issued under R. S. 161, sec. 2, 42 Stat. 1066, 53 Stat. 841, 60 Stat. 842; 5 U. S. C. 22, 31 U. S. C. 215–217, 22 U. S. C. 277e, 28 U. S. C. Sup. 921.

§ 10.1 *Purpose.* The purpose of this part is to delegate authority to settle claims for personal injury or property damage under the Federal Tort Claims Act (60 Stat. 842; 28 U. S. C. Sup. 921) and the Small Claims Act (42 Stat. 1060; 31 U. S. C. 215–217) and claims for property damage under the act of June 19, 1939 (53 Stat. 841, 22 U. S. C. 277e), and to establish and provide the exclusive authorization and procedure whereby claims arising from the negligent or wrongful acts or omissions of employees of the Department of State or of the United States Section, International Boundary and Water Commission, United States and Mexico, and claims for property damage not based on negligence and cognizable under the act of June 19, 1939, may be considered, adjusted, determined, or settled within the Department or the Commission.

§ 10.2 *Delegation of authority for adjudication and settlement of claims.* The Legal Adviser is hereby authorized to settle all claims cognizable, as the case may be, under the Federal Tort Claims Act (60 Stat. 842; 28 U. S. C. Sup. 921) or the Small Claims Act (42 Stat. 1060; 31 U. S. C. 215–217), arising out

of the negligent or wrongful acts or omissions of employees of the Department in accordance with the authority vested in the Secretary pursuant to those acts, except those claims arising out of the negligent or wrongful acts or omissions of employees of the Commission. The Commissioner is authorized to settle those claims which arise out of the negligent or wrongful acts or omissions of employees of the Commission, and claims for property damage not based on negligence cognizable under the act of June 19, 1939. The approval or disapproval, in whole or in part, of any claim by the approving authority constitutes final action in the case so far as the Department or the Commission is concerned, and no further review in the Department or in the Commission may be obtained.

SUBPART A—GENERAL PROVISIONS

§ 10.3 *Definitions.* As used in this part:

(a) The word "Secretary" refers to the Secretary of State.

(b) The word "Department" refers to the Department of State, its offices, bureaus, and divisions and its Foreign Service establishments abroad.

(c) The word "Commission" refers to the United States Section, International Boundary and Water Commission, United States and Mexico.

(d) The word "Legal Adviser" refers to the Legal Adviser of the Department of State, or his designee.

(e) The word "Commissioner" refers to the United States Commissioner, International Boundary and Water Commission, United States and Mexico.

(f) The word "employee" includes officers or employees of the Department or of the Commission, and persons acting on behalf of the Department or of the Commission in an official capacity, temporarily or permanently in the service of the Department or of the Commission, whether with or without compensation.

(g) The words "approving authority" refer to the Legal Adviser or to the Commissioner, as the case may be.

§ 10.4 *Action by claimant.* (a) Claims for damage to, or loss of, property, or for personal injury or death. Claims for damage to, or loss of, property or for personal injury or death may be presented by the individual or firm sustaining injury or damages in his or its own right, by a duly-authorized agent or legal representative, or by an attorney. The claim, if filed by an agent or legal representative, must show the title or capacity of the person presenting the claim and must be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary.

(b) *Form of claim.* Claims should be submitted by presenting, in duplicate, a statement in writing setting forth the claimant's name and address; the amount of the claim; the detailed facts and circumstances surrounding the accident or incident, indicating the date and the place; the property and persons involved; the nature and extent of the damage, loss, or injury and the office, bureau, division, or Foreign Service establishment of the Department, or the Commission, which was the cause or occasion thereof, if known. Where damage to property is involved, there should be a statement as to the ownership of the property, whether liens exist thereon, and, if so, the nature of and amount of the lien and the names and addresses of the lien-holders. If the loss is covered by any insurance, there should be a statement thereof; and if, under the terms of the insurance contract, the insurer is subrogated in whole or in part to the claim of the insured, the insurer should be made a party to the claim. The claimant may, if he desires, file a brief with his claim setting forth the law or other arguments in support of his claim. In cases involving several claims arising from a single accident or incident, individual claims should be filed.

(c) *Place of filing claim.* Claims should be submitted directly to the head of the office, bureau, division, or Foreign Service establishment of the Department, or of the Commission, out of whose activities the accident or incident occurred, if known; or, if not known, to the Legal Adviser, Department of State, Washington 25, D. C., or United States Commissioner, International Boundary and Water Commission, United States and Mexico, P. O. Box 1859, El Paso, Texas, as the case may be.

(d) *Evidence to be submitted by claimant*—(1) *General.* The amount claimed for damage to or loss of property or for personal injury or death should be substantiated by competent evidence. All statements or estimates required to be submitted by the following subparagraphs should, if possible, be by disinterested competent witnesses, and, in the case of property, preferably reputable dealers or persons familiar with the type of property damaged. Such statements and estimates should be certified as just and correct; and, if payment has been made, itemized receipts evidencing such payment should be included.

(2) *Damage to personal property.* In support of claims for damage to personal property which has been or can be economically repaired, the claimant should submit an itemized receipt if payment has been made or an itemized estimate of the cost of repairs. If the property is not economically repairable, a statement as to depreciation in value should be included; or if the property is lost or destroyed, the value of the property at the time of loss of destruction should be stated, together with the date of acquisition and the purchase price.

(3) *Personal injury.* In support of claims for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(4) *Damage to real property.* In support of claims for damage to land, trees, buildings, fences, and other improvements, and similar property, the claimant should submit an itemized receipt, if payment has been made, or an itemized signed statement or estimate of the cost of repairs. If the property is not economically reparable, a statement as to its value both before and after the accident should be included. If the damages to improvements can be readily and fairly valued apart from the damage to the land, the damage to such improvements should be stated separately from the damage to the land. The value of such improvements at the time of loss or destruction should be stated, as well as the date the improvements were made and the original cost of such improvements.

(5) *Damage to crops.* In support of claims for damage to crops, the claimant should submit an itemized signed statement showing the number of acres, or other unit measure, of the crops damaged, the normal yield per unit, the gross amount which would have been realized from such normal yield and an estimate of the costs of cultivating, harvesting, and marketing such crops. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated.

(6) *Claims of subrogees and lienholders.* The rights of subrogees or lienholders will be determined according to the law of the jurisdiction in which the accident or incident occurred.

(7) *Signatures.* The claim and all other papers requiring the signature of the claimant should be in affidavit form signed by the claimant personally or by a duly-authorized agent or legal representative. The claim should also be signed by the insurance company as one of the claimants, where the claim is covered by insurance in whole or in part and the contract of insurance contains a provision for the subrogation of the insurance company to the rights of the insured, in accordance with paragraph (b) of this section. Section 35 (A) of the Criminal Code (18 U. S. C. 80) imposes a fine of not more than $10,000 and imprisonment of not more than 10 years, or both, for presenting false claims or making false or fraudulent statements or representations in connection with making claims against the Government. A civil penalty or forfeiture of $2,000 plus double the amount of damages sustained by the United States is provided for presenting false or fraudulent claims (see 31 U. S. C. 231).

§ 10.5 *Approval of claim.* Claims under this part are approved, or disapproved, in whole or in part, by the Legal Adviser, after transmittal to him, with recommendations, by the head of the office, bureau, division, or Foreign Service establishment of the Department out of whose activities the accident or incident arose. Claims under this part arising out of the activities of the Commission are approved or disapproved, in whole or in part, by the Commissioner.

§ 10.6 *Acceptance of settlement by claimant.* The acceptance of the settlement by the claimant shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the Government and against the employee of the Government whose act or omission gave

rise to the claim, by reason of the same subject-matter.

SUBPART B—FEDERAL TORT CLAIMS ACT

§ 10.7 *General.* The Federal Tort Claims Act (60 Stat. 842; 28 U. S. C. Sup. 921) conferred upon the head of each Federal agency, or his designee, acting on behalf of the United States, authority to ascertain, adjust, determine, and settle certain claims against the United States for money only, accruing on and after January 1, 1945.

§ 10.8 *Allowable claims.* Claims are payable by the Department or by the Commission under the Federal Tort Claims Act and this subpart, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Department or of the Commission, while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred. The Department or the Commission does not have legal authorization to consider administratively claims in excess of $1,000 which are otherwise cognizable under the Federal Tort Claims Act. The claimant's remedy, if any, in such cases is by suit in the United States District Court for the district wherein the act or omission complained of occurred, including the United States District Courts for the Territories and possessions of the United States.

§ 10.9 *Exclusions.* As provided in section 421 of the Federal Tort Claims Act, claims, among others, not payable under that act and this subpart include:

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading-with-the-Enemy Act, as amended.

(d) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(e) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(f) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(g) Any claim arising in a foreign country.

§ 10.10 *Application to claims not previously adjusted.* The provisions of this subpart shall apply to all claims otherwise within its scope, not heretofore adjusted, including claims formerly payable under provisions of laws and regulations now superseded, arising out of accidents or incidents occurring on or after January 1, 1945. Claims arising out of accidents or incidents occurring prior to January 1, 1945, or claims not cognizable under this subpart, including, among others, claims arising in foreign countries, will be settled under the provisions of the Small Claims Act, the act of December 28, 1922 (42 Stat. 1066; 31 U. S. C. 215–217) See Subpart C of this part. Claims for damage to lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the Commissioner, not based upon the negligence or wrongful act or omission of any employee of the United States while acting within the scope of his office or employment, will be settled under the provisions of the act of June 19, 1939 (53 Stat. 841, 22 U. S. C. 277e) See Subpart D of this part.

§ 10.11 *Statute of limitations.* Claims under the Federal Tort Claims Act and under this subpart must be presented in writing to the Department or to the Commission, as the case may be, within one year after the claim accrued, or by August 2, 1947, whichever is later.

§ 10.12 *Payment of claims.* When an award is made, the Legal Adviser or the Commissioner, as the case may be, will transmit the file on the case to the appropriate fiscal office for payment out of funds appropriated, or to be appropriated, for the purpose. Claims under the Federal Tort Claims Act shall be paid in accordance with the provisions of General Regulations No. 110, General Accounting Office, February 12, 1947.

§ 10.13 *Withdrawal of claim.* A claimant may, in accordance with the provisions of section 410 (b) of the Federal Tort Claims Act, withdraw his claim from consideration upon fifteen days' notice in writing to the Legal Adviser or to the Commissioner, as the case may be.

§ 10.14 *Attorneys' fees.* In accordance with section 422 of the Federal Tort Claims Act, reasonable attorneys' fees may be paid under this subpart out of, but not in addition to, the amount of the award or settlement. If the award or settlement is $500 or less, reasonable attorneys' fees, but not in excess of $50, may be allowed. If the award is $500 or more, reasonable attorneys' fees, but not in excess of 10 percent of the amount of the award or settlement, may be allowed. Attorneys' fees under this paragraph may be fixed only on written request of either the claimant or his attorney.

§ 10.15 *Questions of law.* Questions of reasonable care, scope of employment, proximate cause, joint tort-feasors, contributory negligence, negligence per se, subrogation, the allowance of damages for pain and suffering, and other questions of law will be determined by the law of the place where the accident or incident occurred.

SUBPART C—SMALL CLAIMS ACT

§ 10.16 *General.* The act of December 28, 1922 (42 Stat. 1060; 31 U. S. C. 215–217) the so-called Small Claims Act, authorized the head of each department and establishment to consider, ascertain, adjust, and determine claims of $1,000 or less for damage to, or loss of, privately owned property caused by the negligence of any officer or employee of the Government acting within the scope of his employment. The Federal Tort Claims Act superseded the Small Claims Act with respect to claims that are allowable under the Federal Tort Claims Act. However, with respect to claims that are not allowable under the Federal Tort Claims Act, for example, claims arising in foreign countries, claims are allowable under the Small Claims Act. The Federal Tort Claims Act specifically exempts from its provisions claims arising in foreign countries. Hence, since exempted under the Federal Tort Claims Act, these claims are considered still allowable under the Small Claims Act.

§ 10.17 *Exclusion.* The following claims are not cognizable under the Small Claims Act and this subpart:

(a) Claims which are cognizable under the Federal Tort Claims Act, (b) Claims which are cognizable under the act of June 19, 1939. See Subpart D of this part.

§ 10.18 *Statute of limitations.* No claim will be considered by the Department or by the Commission under this subpart unless presented to it within one year from the date of the accrual of said claim.

§ 10.19 *Payment of claim.* Claims cognizable under this subpart, upon approval, in whole or in part, shall be forwarded to the Bureau of the Budget for inclusion in an appropriation bill. After enactment of the bill by the Congress, the appropriate fiscal office of the Department or of the Commission shall make arrangements for payment.

SUBPART D—ACT OF JUNE 19, 1939

§ 10.20 *General.* The act of June 19, 1939 (53 Stat. 841, 22 U. S. C. 277e) provides as follows:

The Secretary of State acting through such officers as he may designate, is further authorized to consider, adjust, and pay from funds appropriated for the project, the construction of which resulted in damages, any claim for damages occurring after March 31, 1937, caused to owners of land or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the American Commissioner, International Boundary Commission, United States and Mexico, if such claim does not exceed $1,000 and has been filed with the American Commissioner within one year after the damage is alleged to have occurred, and when in the

opinion of the American Commissioner such claim is substantiated by a report of a board appointed by the said Commissioner.

This act covers only claims for damages to lands or other private property and not claims for personal injuries. (Decision Comptroller General B-36817, September 28, 1943, unpublished.) To the extent that claims for damages to lands or other private property are based upon negligence, the provisions of this act have been superseded by the Federal Tort Claims Act (26 Comp. Gen. 452, Decision B-61757, January 6, 1947) Hence claims cognizable under the act of June 19, 1939, are limited to claims for damages accruing after March 31, 1937; (1) for damages to lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the Commissioner; (2) where such claims do not exceed $1,000; and (3) which claims are not based upon the negligence of any officer or employee of the Government acting within the scope of his employment.

§ 10.21 *Exclusion.* Claims which are cognizable under the Federal Tort Claims Act or the Small Claims Act are not cognizable under the act of June 19, 1939 and this subpart.

§ 10.22 *Statute of limitations.* No claim will be considered by the Commissioner under this subpart unless filed with him within one year after the damage is alleged to have occurred.

§ 10.23 *Action by claimant.* The provisions of § 10.4 shall be applicable to claims for damages cognizable under this subpart, except those provisions relating to personal injury or death.

§ 10.24 *Payment of claim.* Upon receipt of a claim by the Commissioner, the Commissioner will appoint a board to investigate the facts surrounding the claim and to make its report and recommendations to the Commissioner. The Commissioner will thereupon approve the claim in whole or in part, or disapprove the claim. If the claim is approved in whole or in part, and claimant accepts the settlement tendered by the Commissioner, the claimant will execute a release of his claim in the form prescribed by the Commissioner and will execute a voucher in the sum approved by the Commissioner. The file on the case, including the claim, the findings of the board, the approval of the Commissioner, the release, and the voucher, will thereupon be transmitted by the Commissioner through the Department to the General Accounting Office for settlement.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: October 24, 1947.

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 47-9718; Filed, Oct. 31, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

CREDITS AND COLLECTIONS

Section 501.6 (e) (12 F. R. 4371) of the regulations of the Federal Housing Commissioner governing property improvement loans effective July 1, 1947, is hereby amended to read as follows:

§ 501.6 *Credits and collections.* * * *

(e) *Prior approval by Commissioner.* Any loan which increases the principal amount outstanding as to all Class 1 or Class 2 loans to any individual borrower to an amount in excess of five thousand dollars ($5,000), exclusive of financing charges, will be accepted for insurance only upon prior approval of the Commissioner.

The amendment contained herein is effective as to all loans made on or after November 1, 1947, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

Issued at Washington, D. C., October 27, 1947.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 47-9746; Filed, Oct. 31, 1947; 8:46 a. m.]

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION

Amendment 6 to the Controlled Housing Rent Regulation.[1] The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. Schedule B is amended by incorporating items 5, 6 and 7, as follows:

5. Provisions relating to the Alexandria-Leesville Defense-Rental Area, State of Louisiana.

Decontrol based upon the Recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in the Alexandria-Leesville Defense-Rental Area in respect to furnished rooms, not constituting an apartment, located within the residence occupied by the landlord or his immediate family. All provisions of the regulation, insofar as they are applicable to the Alexandria-Leesville Defense-Rental Area, are hereby amended to the extent necessary to carry this provision into effect.

6. Provisions relating to San Angelo Defense-Rental Area, State of Texas.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in the San Angelo Defense-Rental Area, effective November 15, 1947.

7. Provisions relating to Saunders County, Nebraska, in the Omaha Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in Saunders County, Nebraska.

2. Schedule A, item 327, is amended to read as follows: (327) [Revoked and decontrolled, effective November 15, 1947.]

3. Schedule A, item 181, is amended to describe the counties in the Defense-Rental Area under the Controlled Housing Rent Regulation as follows:

Nebraska	Dodge.
Nebraska	Douglas and Sarpy.
Iowa	Pottowatamie.

This amendment shall become effective October 31, 1947.

Issued this 31st day of October 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

Statement To Accompany Amendment 6 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Alexandria-Leesville Defense-Rental Area, Louisiana, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol in the Alexandria-Leesville Defense-Rental Area of furnished rooms in private homes.

The Local Advisory Board for the San Angelo Defense-Rental Area, Texas, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol, effective November 15, 1947, of the San Angelo Defense-Rental Area, which is composed of the County of Tom Green.

The Local Advisory Board for the Omaha Defense-Rental Area, Nebraska, has in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of Saunders County, Nebraska.

The Housing Expediter has found that these recommendations are appropriately substantiated and in accordance with applicable law and regulations and is therefore issuing this amendment to effectuate the recommendations.

[F. R. Doc. 47-9833; Filed, Oct. 31, 1947; 10:03 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

Amendment 6 to the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments.[2] The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

[1] 12 F. R. 4331, 5421, 6454, 6697, 6927, 6937, 6923.

[2] 12 F. R. 4302, 5423, 5457, 5659, 6927, 6636, 6923.

1. Schedule B is amended by incorporating items 5, 6 and 7, as follows:

5. Provisions relating to the Alexandria-Leesville Defense-Rental Area, State of Louisiana.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the Alexandria-Leesville Defense-Rental Area.

6. Provisions relating to San Angelo Defense-Rental Area, State of Texas.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the San Angelo Defense-Rental Area, effective November 15, 1947.

7. Provisions relating to Saunders County, Nebraska, in the Omaha Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Saunders, County, Nebraska.

2. Schedule A, item 129, is amended to read as follows: (129) [Revoked and decontrolled].

3. Schedule A, item 327, is amended to read as follows: (327) [Revoked and decontrolled, effective November 15, 1947.]

4. Schedule A, item 181, is amended to describe the counties in the defense-rental area under the rent regulation for controlled rooms in rooming houses and other establishments as follows:

Nebraska	Dodge.
Nebraska	Douglas and Sarpy.
Iowa	Pottowatamie.

This amendment shall become effective October 31, 1947.

Issued this 31st day of October 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer

Statement To Accompany Amendment 6 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Alexandria-Leesville Defense-Rental Area, Louisiana, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of housing accommodations subject to the rent regulation for controlled rooms in rooming houses and other establishments in the area.

The Local Advisory Board for the San Angelo Defense-Rental Area, Texas, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended, effective November 15, 1947, the decontrol of the San Angelo Defense-Rental Area, which is composed of the County of Tom Green.

The Local Advisory Board for the Omaha Defense-Rental Area, Nebraska, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of Saunders County, Nebraska.

The Housing Expediter has found that these recommendations are appropriately substantiated and in accordance with applicable law and regulations and is therefore issuing this amendment to effectuate the recommendations.

[F. R. Doc. 47-9832; Filed, Oct. 31, 1947; 10:09 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter III—The Tax Court of the United States

PART 701—RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

Amendments to the Rules of Practice, effective November 3, 1947, prescribed pursuant to the authority contained in section 1111 of the Internal Revenue Code (53 Stat. 160)

1. Section 701.4 is amended to read as follows:

§ 701.4 *Form and style of papers.* (a) All papers filed with the court shall be either printed or typewritten, and shall be fastened on the left side only, and shall have a caption and a signature, and copies, as specified below.

(b) Printed papers shall be printed in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1 inch wide, and with double-leaded text and single-leaded quotations.

(c) Typewritten papers shall be typed on only one side of plain white paper, 8½ inches wide by 11 inches long, and weighing not less than 16 pounds to the ream, and shall have no backs or covers.

(d) Citations shall be in italics when printed and shall be underscored when typewritten.

(e) The proper caption omitting all prefixes and titles shall be placed on all papers filed. The full given name and surname of each individual petitioner shall be set forth in the caption, but without any prefix or title, such as "Mrs.," "Dr.," etc. The name of the estate, the trust, or the other person for whom he acts, shall be given first by each petitioner who is a fiduciary, followed then by his own name and pertinent title, thus: "Estate of John Doe, deceased, Richard Roe, Executor." (See §§ 701.5 and 701.6 (a) and 26 CFR, 1944 Supp., 711.2)

(f) The signature, either of the petitioner or of his counsel, shall be subscribed to the petition in writing, and shall be in individual and not in firm name, except that the signature of a petitioner corporation shall be in the name of the corporation by one of its active officers, thus: "John Doe, Inc., by Richard Roe, President." The name and the mailing address of the petitioner or counsel actually signing shall be typed or printed immediately beneath the written signature.

(g) Four conformed copies shall be filed with the signed original of every paper filed, except as otherwise provided in the regulations in this part. Papers to be filed in more than one proceeding (as a motion to consolidate, or in proceedings already consolidated) shall include one additional copy for each such additional proceeding.

(h) All copies shall be clear and legible, but they may be on any weight paper.

2. Section 701.22 is amended to read as follows:

§ 701.22 *Service*—(a) *Upon petitioner.* If there is no counsel of record, service will be made upon the petitioner.

(b) *Upon first counsel of record.* Service upon any counsel of record will be deemed service upon the party, but, where there are more than one, service will be made only upon counsel for petitioner whose appearance was first entered of record—unless the first counsel of record, by writing filed with the Court, designates other counsel to receive service, in which event service will be so made.

(c) *Upon respondent.* Service may be made upon any named respondent in person, upon deputies duly designated by him to accept service, or upon counsel appearing for the respondent in the proceeding. (See §§ 701.12, 701.14, and 701.15.)

3. In section 701.35 *Briefs,* the words "(See § 701.4)" is added at the end thereof and paragraph (a) is amended to read as follows:

(a) A statement of the nature of the controversy, the tax involved, and the issues to be decided.

4. In section 701.51 the headnote is amended to read *"Preparation of record on review; costs,"* and the following is added at the end of the section: "(For statutory provisions relating to Court Review of Tax Court decisions see Subchapter B, section 1140 et seq., I. R. C. For forms of bonds, see Appendix I, Forms Nos. 7 and 8. The rules of the appellate court to which the appeal is being taken should be consulted.)"

5. In section 701.61 *Computation of time; Saturdays, Sundays and holidays* the first part of the section is amended, as follows: "The day of the act, event, or default starting any period of time prescribed or allowed by the regulations in this part or by an order of this Court shall not be counted as a part of the period, but Saturdays, and Sundays, and legal holidays in the District of Columbia shall count just as any other days, except that when the period would expire on a Saturday, Sunday, or legal holiday in the District of Columbia, it shall extend to and include the next succeeding day that is not a Saturday, Sunday or such legal holiday."

Dated: October 29, 1947.

By the Court.

[SEAL] BOLON B. TURNER,
Presiding Judge.

[F. R. Doc. 47-9747; Filed, Oct. 31, 1947; 8:47 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

TONGASS NATIONAL FOREST AND CHUGACH NATIONAL FOREST

CROSS REFERENCE: For orders affecting the tabulation contained in § 201.1, see Public Land Order 422, excluding certain lands from the Tongass National

Forest, and Public Land Order 423, concerning certain lands in the Chugach National Forest, under Title 43, *infra*.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 3:

§ 3.1255 *Reduction when disabled person is in a VA institution or other institution at the expense of the Veterans' Administration (Section 1, Public Law 662, 79th Congress)* (a) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration other than for Hansen's disease, any pension, compensation or retirement pay otherwise payable other than the additional allowance or increased compensation for aid and attendance shall continue without reduction until the first day of the seventh calendar month following August 1946, or the month of admission of such veteran for treatment or care, whichever is the later. If treatment or care extends beyond that period, the pension, compensation, or retirement pay, if $30 per month or less, shall continue without reduction, but if greater than $30 per month, the pension, compensation, or retirement pay shall not exceed 50 per centum of the amount otherwise payable, or $30 per month, whichever is the greater. The pension, compensation, or retirement pay of any veteran leaving against medical advice or as the result of disciplinary action shall, upon a succeeding readmission for treatment or care, be subject to reduction, as herein provided, from the date of such readmission. The provisions of the preceding sentence are not retroactive. Accordingly, where hospital treatment or domiciliary care being furnished a veteran by the Veterans' Administration was terminated by the veteran against medical advice or as the result of disciplinary action prior to August 8, 1946, the date of approval of Public Law 662, 79th Congress, such veteran is not subject to the reduction provided therein upon a succeeding admission subsequent to August 8, 1946.

No change in paragraphs (b) and (c)

§ 3.1256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* (a) Where a veteran whose pension, compensation or retirement pay has been reduced or discontinued as provided in § 3.1255 (a) is discharged from treatment or care upon certification of the officer in charge of the hospital, institution, or home, that maximum benefits have been received, or release is approved, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran is discharged or released from the hospital or institution, and the award will include such additional amount as will equal the total sum by which the pension, compensation or retirement pay has been reduced; when the reduction or discontinuance has been effected pursuant to the provisions of § 3.1255 (a), payment of the amount equal to the amount by which the pension, compensation, or retirement pay was reduced, will be awarded six months following the finding of competency, or in the event treatment or care is terminated by the veteran against medical advice, or as the result of disciplinary action, on or after August 8, 1946, payment of the amount by which the pension, compensation, or retirement pay was reduced will be awarded the veteran at the expiration of six months after the termination of treatment or care. Where a veteran in the last category is subsequently readmitted and continues such treatment or care until discharged upon certification by the officer in charge of the hospital, institution, or home in which treatment or care was furnished, that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under § 3.1255 (a) subsequent to such readmission.

No change in paragraph (b).

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JULY 31, 1947.

[F. R. Doc. 47-9736; Filed, Oct. 31, 1947; 8:46 a. m.]

PART 5—ADJUDICATION: DEPENDENTS CLAIMS

MISCELLANEOUS AMENDMENTS

1. A new section is added as follows:

§ 5.2559 *Awards of death compensation and pension affected by Public Law 719, 79th Congress.* Where the Veterans Administration has been notified by the Federal Security Agency that payments to any individual have been authorized pursuant to the provisions of section 201, Public Law 719, 79th Congress, the Veterans Administration shall notify Federal Security Agency of any determination that death compensation or pension is payable to any dependent of the veteran; *Provided,* That any payments certified by Federal Security Agency pursuant to the provisions of section 201, Public Law 719, 79th Congress, covering any period on or after the first of any month for which death compensation or pension would be payable to or for the same person by the Veterans Administration, not exceeding the amount of any death compensation or pension otherwise payable for periods prior to the date of approval of the award, shall be deemed to have been paid by the Veterans Administration. (60 Stat. 978)

2. Section 5.2576 is amended as follows:

§ 5.2576 *Public No. 484, 73d Congress, as amended, non-service-connected death*—(a) *World War I.* (1) The date of commencement of original awards of death pension under the provisions of Public No. 484, 73d Congress, as amended, shall be the day following the date of death if application is filed within one year after the date of death, otherwise the date of filing application; *Provided, however,* That the date of commencement shall be fixed in accordance with the facts found, but not prior to the date of the happening of the contingency upon which death pension is allowed. (§ 35.02 of this chapter and section 6, Public No. 304, 75th Congress.)

No change in paragraph (a) (2).
No change in paragraph (b)

(58 Stat. 803; 38 U. S. C. Sup. 503)

3. Section 5.2578 is amended as follows:

§ 5.2578 *World War II, Public No. 2, 73d Congress, as amended.* (a) Where the death of a person occurs as the result of service in World War II, except as to circumstances within the purview of paragraph (b) of this section, an original award of death compensation shall commence the day following the date of death if claim is filed within one year after that date; otherwise, the date of filing claim (section 4, Public Law 690, 77th Congress, and section 16, Public Law 144, 78th Congress)

(b) Effective December 7, 1941, where a report of death or finding of death has been made by the Secretary of War or the Secretary of the Navy and the person was reported missing or missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged, as contemplated by Public Law 490, 77th Congress as amended, or the claim for death compensation was filed more than one year after the date of (actual) death, an original award of death compensation shall commence:

(1) The date following the date fixed by the Secretary as the date of death (actual) in such report: *Provided,* That claim is filed within one year after the date the report of death is made; otherwise the date of filing claim; however, in no event shall death compensation be paid to a dependent for any period prior to the date the report of death was made, for which such dependent has received or is entitled to receive an allowance, allotment, or service pay of the deceased.

(Pub. Law 419, 78th Cong.)

No change in paragraph (b) (2).

(58 Stat. 728, 38 U. S. C. Sup. 733)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JULY 23, 1947.

[F. R. Doc. 47-9739; Filed, Oct. 31, 1947; 8:47 a. m.]

PART 5—ADJUDICATION: DEPENDENTS, CLAIMS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 5:

§ 5.2591 *Apportionment of death pension or compensation.* * * *

(c) *Rates payable.* (1) (i) Apportionment of death compensation or pension under any law administered by the Veterans Administration, except as provided in subdivision (ii) (iii) and (iv) of this subparagraph, shall be computed as follows: The share for all children for whom claim is filed will be that amount to which they would be entitled if there were no widow. The widow's share will be the difference between the children's share and the total amount payable on account of the widow and all children for whom claim is filed. In all instances, the amount payable to or for the children will be divided equally among the children. The share for any children in the widow's custody will be added to the widow's share. If, in the application of this rule, the widow's share would be increased to an amount greater than the amount to which she would be entitled if there were no children, then her share will be the amount to which she would be entitled if there were no children and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share. If, however, in the application of this rule, the widow's share would be reduced to an amount lower than 50 percent of that to which she would be entitled if there were no children, then her share will be 50 percent of the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share.

(ii) Civil War Pension: When pension is payable under Public No. 190, 66th Congress (act of May 1, 1920) as amended, including Public Law 270, 80th Congress (act of July 30, 1947) the apportioned monthly rates shall be as follows:

	On and after Oct. 17, 1940	On and after Sept. 1, 1947
Widow	$21.00	$25.20
Child	15.00	18.00
Each additional child	6.00	7.20

Total amount for children equally divided.

The additional monthly payment of $10.00 provided by the acts of May 23, 1928, and June 9, 1930, which was increased to $12.00 effective September 1, 1947, by the act of July 30, 1947 (Public Law 270, 80th Congress) because of attained age of a widow shall be added to the widow's share.

(iii) Indian War Pension: When pension is payable under Public No. 723, 69th Congress (act of March 3, 1927), as amended, the apportioned monthly rates shall be as follows:

	On and after Oct. 17, 1940
Widow	$21.00
Child	15.00
Each additional child	6.00

Total amount for children equally divided.

The additional monthly payment of $10.00 provided by the act of March 3, 1944 (Public Law 245, 78th Congress) because of attained age of a widow shall be added to the widow's share.

(iv) Spanish-American War (including Boxer Rebellion and Philippine Insurrection) Pension: When pension is payable under Public No. 166, 69th Congress (act of May 1, 1926) as reenacted by Public No. 269, 74th Congress, and as amended, including Public Law 270, 80th Congress (act of July 30, 1947) the apportioned monthly rates shall be as follows:

	On and after Oct. 17, 1940	On and after Sept. 1, 1946	On and after Sept. 1, 1947
Widow	$21.00	$28.00	$33.60
Child	15.00	18.00	21.60
Each additional child	6.00	6.00	7.20

Total amount for children equally divided.

The additional monthly payment of $10.00 provided by the act of March 1, 1944 (Public Law 242, 78th Congress) because of attained age of a widow which applies only for the period from April 1, 1944, through August 31, 1946, shall be added to the widow's share.

* * * * *

RATES OF PENSION FOR DEATH NOT THE RESULT OF SERVICE

§ 5.2632 *Civil War*—(a) (1) *Widows and remarried widows.*

(Act of July 30, 1947)

	Per month	
	Prior to Sept. 1, 1947	On and after Sept. 1, 1947
Act of May 1, 1920	$30.00	$36.00
Act of July 3, 1926 (wife during period of service)	50.00	60.00
Act of June 9, 1930 (over 70 years of age)	40.00	48.00
Additional for each child	6.00	7.20
(2) Widows act of Dec. 8, 1944 70 years of age or over	30.00 40.00	36.00 48.00

(b) *Children.*

Act of May 1, 1920—one child	$36.00	$43.20
(Additional for each child, equally divided)	6.00	7.20

§ 5.2634 *Spanish-American War including the Boxer Rebellion and Philippine Insurrection*—(a) *Rates under the act of May 1, 1926, as reenacted by Public No. 269, 74th Congress; sections 1 and 7 Public Law 144, 78th Congress; Public Law 242, 78th Congress; Public Law 611, 79th Congress; Public Law 270, 80th Congress*—(1) *Widows and remarried widows.*

	On and after Apr. 1, 1944	On and after Sept. 1, 1946	On and after Sept. 1, 1947
Under 65 years of age	$30.00	$40.00	$48.00
65 years of age or over	40.00	40.00	48.00
Wife during service	50.00	50.00	60.00
Additional for each child	6.00	6.00	7.20

Where there is a widow or remarried widow, the additional amount for a child is applicable as to each child within the purview of either § 5.2502 (b) (1) or § 5.2514 (c) (See § 5.2512 (c))

(2) *Children, where there is no widow.* (i) The rates for children who are eligible by reason of the definition of the term "Child" contained in § 5.2502 (b) (1) (see § 5.2512 (c)), are as follows:

	On and after Aug. 13, 1935	On and after Sept. 1, 1946	On and after Sept. 1, 1947
One child	$30.00	$40.00	$55.20
Each additional child, total equally divided	6.00	6.00	7.20

The rate for a child or children entitled under this subparagraph is not affected by any payments made to a child or children under paragraph (b) of this section over the same period of time.

(ii) The rates for children who are eligible solely as a result of the definition of the term "Child" contained in § 5.2514 (c) (See § 5.2512 (c)), shall be as follows:

	On and after June 1, 1944	On and after Sept. 1, 1946	On and after Sept. 1, 1947
One child	$18.00	$21.60	$25.92
Two children	27.00	32.40	38.88
Three children	36.00	43.20	51.84
Each additional child	4.00	4.80	5.76

Total amount payable for all children equally divided.

The rate for a child or children entitled only under this subparagraph over any period of time that a child or children are entitled under subdivision (i) will be the share to which such child or children would be entitled, if all of the children were awarded pension under this subparagraph.

* * * * *

(Pub. Law 270, 80th Cong.)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

SEPTEMBER 29, 1947.

[F. R. Doc. 47-9734; Filed, Oct. 31, 1947; 8:46 a. m.]

PART 5—ADJUDICATION: DEPENDENTS CLAIMS

DEATH RATINGS

A new section is added to Part 5 to read as follows:

§ 5.2670 *Revision of rating decisions.* (a) The dependents pension boards in

branch offices and the central dependents pension board will be governed, generally, by the provisions of § 2.1009 (a), (b) (c) and (d) of this chapter in the reversal or amendment of prior rating decisions.

(b) The submissions required by § 2.1009 (b) of this chapter will be made to the director, dependents and beneficiaries claims service.

(c) Authority to sever service connection upon the basic of clear and unmistakable error is vested in agencies of original jurisdiction in central office and branch offices.

(d) Contemplated reversal or amendment of prior rating decisions, which would result in a reduction or discontinuance of a running award of death compensation or pension, will require the same notice to the claimant provided by § 2.1009 (d) of this chapter, subject to the same exceptions outlined therein.

(48 Stat. 8–12, 38 U. S. C. 701–721)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

AUGUST 15, 1947.

[F. R. Doc. 47-9741; Filed, Oct. 31, 1947; 8:47 a. m.]

PART 5—ADJUDICATIONS: DEPENDENTS CLAIMS

BURIAL AND FUNERAL EXPENSES AND TRANSPORTATION OF BODIES OF VETERANS

The following amendments are made to Part 5:

§ 5.2692 *Payment of burial expenses of deceased war veterans and veterans of the regular establishment.* No change in paragraph (a)

(b) *Death on or after March 20, 1933.* When a veteran of any war as defined in § 5.2694 dies or is buried on or after March 20, 1933, an amount not to exceed $100 ($150 as to claims adjudicated on or after July 24, 1946, the date of approval of Public Law 529, 79th Congress) may be allowed for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, if otherwise entitled under the provisions of §§ 5.2692 to 5.2707, inclusive.

(c) *Death on or after October 5, 1940.* When a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge and on or subsequent to October 5, 1940, a sum not exceeding $100 ($150 as to claims adjudicated on or after July 24, 1946) may be allowed for burial and funeral expenses and transportation of the body to the place of burial.

No change in paragraph (d)

§ 5.2694 *"Veteran of any war"; definition of*—(a) *Persons included.* * * *

(4) World War I, any officer, enlisted man, member of the Army Nurse Corps (female) Navy Nurse Corps (female) discharged under conditions other than dishonorable, who was employed in the active military or naval service of the United States on or after April 6, 1917, and before November 12, 1918: *Provided, however,* That if the person was serving with the United States military forces in Russia the ending date will be extended through April 1, 1920 (the provisions of section 5, Public No. 304, 75th Congress, are not applicable to burial claims),

(5) World War II, any person discharged or released from active duty under conditions other than dishonorable, who served in the active military or naval service of the United States on or after December 7, 1941, and before the termination of hostilities in World War II, twelve o'clock noon, December 31, 1946: *Provided,* That the term "active military or naval service," as used herein shall include active duty as a member of the Women's Army Auxiliary Corps, Women's Army Corps (WAAC and WAC) Women's Reserve of the Navy and Marine Corps, and the Women's Reserve of the Coast Guard;

* * * * *

(b) *Dishonorable conditions.* (1) A person discharged or dismissed by reason of the sentence of a general court martial, or discharged on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise comply with lawful orders of competent military authority, or as a deserter, or in the case of an officer where his resignation is accepted for the good of the service shall be barred from entitlement to the burial allowance based upon the period of service from which so discharged or dismissed.

(2) The requirement of the words "dishonorable conditions" will be deemed to have been met when it is shown that the discharge or separation from active military or naval service was (i) for mutiny, (ii) spying, or (iii) for an offense involving moral turpitude of wilful and persistent misconduct; *Provided, however,* That where service was otherwise honest, faithful, and meritorious a discharge or separation other than dishonorable because of the commission of a minor offense will not be deemed to constitute discharge or separation under dishonorable conditions and under such circumstances the burial allowance will, if all other conditions are present, be allowable.

* * * * *

(60 Stat. 654)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

SEPTEMBER 11, 1947.

[F. R. Doc. 47-9735; Filed, Oct. 31, 1947; 8:46 a. m.]

PART 10—INSURANCE

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 10:

EXTENDED INSURANCE

§ 10.3105 *Provision for extended term insurance.* After the expiration of the first policy year and upon default in the payment of a premium within the grace period, if a United States Government life insurance policy has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age nearest birthday anniversary as of the effective date of the policy plus the number of years and months from that date to the date the extended term insurance becomes effective. The extended term insurance shall be with right to dividends, payable in cash only, and with right to total permanent disability benefits. The number of monthly instalments payable upon due proof of total permanent disability or death of the insured under such extended term insurance will be the same as would then be payable under the policy. The extended term insurance shall not have a loan value, but shall have a cash value. (Secs. 5, 300, 301, 43 Stat. 608, 624, as amended, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512)

PAID-UP INSURANCE

§ 10.3110 *Provision for paid-up insurance.* If a United States Government life insurance policy has not been surrendered for cash, upon default in the payment of any premium due after the expiration of the first policy year, and upon written request of the insured and complete surrender of the policy with all claims thereunder within three calendar months after the due date of the premium, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age nearest birthday anniversary as of the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. The paid-up insurance shall be with right to dividends and with right to total permanent disability benefits. The number of monthly instalments payable upon due proof of total permanent disability or death of the insured under such paid-up insurance will be the same as would then be payable under the policy. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance. (Secs. 5, 300, 301, 43 Stat. 608, 624, as amended, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512)

REINSTATEMENT

§ 10.3429 *Provision for extended term insurance—other than five-year level premium term policies.* After the expiration of the first policy year and upon default in the payment of a premium within the grace period, if a National Service Life Insurance policy on any plan

other than five-year level premium term has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age nearest birthday anniversary as of the effective date of the policy plus the number of years and months from that date to the date the extended term insurance becomes effective. The extended term insurance shall not have a loan value, but shall have a cash value. (Secs. 601–618, 54 Stat. 1008–1014; 38 U. S. C. 801–818)

§ 10.3430 *Provision for paid-up insurance; other than five-year level premium term policies.* If a National Service Life Insurance policy on any plan other than five-year level premium term has not been surrendered for cash, upon written request of the insured and complete surrender of the policy with all claims thereunder, after the expiration of the first policy year and while the policy is in force under premium-paying conditions, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age nearest birthday anniversary as of the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. Such paid-up insurance will be effective as of the expiration of the period for which premiums have been paid and earned; and, any premiums paid in advance for months subsequent to that in which the application for paid-up insurance is made shall be refunded to the insured. The paid-up insurance shall be with right to dividends. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance. (Secs. 601–618, 54 Stat. 1008–1014; 38 U. S. C. 801–818)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JULY 31, 1947.

[F. R. Doc. 47-9740; Filed, Oct. 31, 1947; 8:47 a. m.]

PART 10—INSURANCE

REINSTATEMENT

§ 10.3423 *Health requirements.* National Service Life Insurance on any plan may be reinstated if application and tender of premiums are made:

(a) On or before December 31, 1947, or within three months after lapse, whichever is later, provided the applicant be in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator.

(b) Subsequent to December 31, 1947, and after expiration of the three-month period mentioned in paragraph (a) of this section, provided applicant is in good health (§ 10.3401) on the date of application and tender of premiums, and furnishes evidence thereof satisfactory to the Administrator of Veterans' Affairs. (Secs. 601–618; 54 Stat. 1008–1014; 60 Stat 781, 38 U. S. C. 801–818)

§ 10.3498 *Total disability income provision for National Service Life Insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.*

No change in first through eighth paragraphs, inclusive.

* * * * *

This provision, if attached to term insurance, may be reinstated upon evidence satisfactory to the Administrator showing the applicant to be in as good health as he was on the due date of the premium in default provided application and two monthly premiums are submitted on or before December 31, 1947, or within three months after the due date of the premium in default, whichever is later; if it be attached to insurance on any other plan reinstatement may be effected on the basis of comparative health provided application and all premiums in arrears with interest are submitted on or before December 31, 1947, or within three months after the due date of the premium in default, whichever is later.

No change in remainder of section.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JULY 31, 1947.

[F. R. Doc. 47-9738; Filed, Oct. 31, 1947; 8:47 a. m.]

PART 10—INSURANCE

PREMIUM WAIVERS AND TOTAL DISABILITY

The following amendments are made to Part 10:

§ 10.3441 *Effective date of premium waiver* (a) Upon written application of the insured waiver of premiums may be granted effective as of the date six months continuous total disability commenced, but, except as hereafter provided, waiver in such cases shall not be effective as to any premium which became due more than one year prior to receipt of such application in the Veterans Administration: *Provided,* That the Administrator may grant waiver of premiums in excess of such one year's period in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the insured's control: *Provided, further* That upon written application of the insured made on or before August 1, 1947, the Administrator shall grant waiver of any premium which became due not more than five years prior to the date of enactment of the Insurance Act of 1946 (Public Law 589, 79th Congress, approved August 1, 1946), if otherwise authorized under the provisions of section 602 (n) of the act, as amended.

(b) Upon written application of the beneficiary as provided in § 10.3440, waiver of premiums may be granted effective as of the date six months continuous total disability commenced, but, except as hereafter provided, waiver in such cases shall not be effective as to any premium which became due more than one year prior to the date of insured's death: *Provided,* That the Administrator may grant waiver of premiums in excess of such one year period in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the insured's control: *Provided further* That upon written application of the beneficiary made on or before August 1, 1947, the Administrator shall grant waiver of any premium which became due not more than five years prior to the date of enactment of the Insurance Act of 1946 (Public Law 589, 79th Congress, approved August 1, 1946), if otherwise authorized under the provisions of section 602 (n) of the act, as amended.

(c) Premiums tendered to cover a period during which the waiver is effective shall be refunded without interest. (Secs. 601–618; 54 Stat. 1008–1014, 60 Stat. 781, 38 U. S. C. 801–818)

§ 10.3442 *Discontinuance of premium waiver* (a) The Administrator may require proof of continuance of total disability at any time he may deem same necessary. In the event it is found that an insured is no longer totally disabled the waiver of premiums shall cease as of the date of such finding, and the insurance may be continued by payment of premiums, the due date of the first premium payable being the next regular monthly due date of the premium under the policy. The insurance shall not lapse prior to the date of expiration of the grace period allowed for the payment of such premium or prior to the expiration of thirty-one days after date of notice to the insured of the termination of the premium waiver, whichever is the later date. Such notice shall be sent by registered mail, return receipt requested, and sufficient notice will be deemed to have been given when such letter has been placed in the mails by the Veterans Administration: *Provided,* That the Administrator may grant an additional period of not more than 31 days for payment of the premiums in any case in which it is shown that the failure to make payment within 31 days after notice as defined above was due to circumstances beyond the insured's control; but the premiums in any such case must be paid during the lifetime of the insured. The failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for a further extension of time for payment of premiums under this section.

(b) In the event a finding that insured is no longer totally disabled is made at the same time a finding is made of total disability entitling the insured to a waiver of premiums while so disabled, the waiver of premiums shall cease as of the date on which total disability ceased and continuance of the insurance in such cases shall be subject to the timely payment of the premiums as they become or have become due and payable. The due date of the first premium payable subsequent to the date total disability ceased is the next regular due date of the premium under the policy, and if such premium was not paid within 31 days after the due date, the insurance lapsed.

(c) If the insured shall fail to cooperate with the Administrator in securing any evidence he may require to determine whether total disability has continued, the premium waiver shall cease effective as of the date finding is made of such failure to cooperate, and the insurance may be continued by payment of the premiums within 31 days after notice of termination as provided in paragraph (a) of this section. (56 Stat. 657; 38 U. S. C. Sup. 802)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JULY 24, 1947.

[F. R. Doc. 47-9737; Filed, Oct. 31, 1947; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 422]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM THE TONGASS NATIONAL FOREST AND RESTORING THEM TO ENTRY

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473) and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F. R. 5516) it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Tongass National Forest, and restored, subject to valid existing rights, to application and purchase under the act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461)

TONGASS NATIONAL FOREST

U. S. Survey No. 2450, lot 1, 4.02 acres; latitude 57°47'00" N., longitude 135°14'00" W. (Homesite No. 618, West Tenakee Group);

U. S. Survey No. 2451, lot 6, 4.99 acres; latitude 57°47'04" N., longitude 135°14'00" W. (Homesite No. 744, West Tenakee Group).

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

OCTOBER 24, 1947.

[F. R. Doc. 47-9720; Filed, Oct. 31, 1947; 8:59 a. m.]

[Public Land Order 423]

ALASKA

REVOKING IN PART PUBLIC LAND ORDER NO. 71 OF DECEMBER 17, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F. R. 5516) it is ordered as follows:

Public Land Order No. 71 of December 17, 1942, as amended by Public Land Order No. 284 of June 12, 1945, withdrawing public lands for the use of the War Department for military purposes is hereby revoked so far as it affects the following described public land:

HINCHINBROOK

Beginning at a point on the southeasterly shore of Cape Hinchinbrook on Hinchinbrook Island, Alaska, where the meridian of longitude 146°30' west of Greenwich intersects the line of mean high tide, Gulf of Alaska, in approximate latitude 60°17'20" north. Thence by metes and bounds,

N. 45°00' W., 3.5 miles, more or less, across Hinchinbrook Island, to a point on the line of mean high tide, Port Etches;

Southwesterly, along the line of mean high tide, Port Etches, southeasterly along Hinchinbrook Entrance, around Cape Hinchinbrook and northeasterly along the line of mean high tide, Gulf of Alaska to the place of beginning.

The area described contains 15,300 acres.

A portion of the land is subject to the Executive Order of November 27, 1906 reserving certain lands for lighthouse purposes, and all of the land above described is within the boundaries of the Chugach National Forest under the provisions of the Proclamation of July 23, 1907.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

OCTOBER 24, 1947.

[F. R. Doc. 47-9721; Filed, Oct. 31, 1947; 8:59 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Ch. I]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

NOTICE OF PUBLIC HEARING WITH RESPECT TO JOINT REGULATIONS PROPOSED BY DEPARTMENTS OF AGRICULTURE AND TREASURY FOR ENFORCEMENT OF SECTION 10 OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

CROSS REFERENCE: For notice of public hearing with respect to joint regulations proposed by the Department of Agriculture and the Treasury Department for the enforcement of section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act, see Department of Agriculture, Production and Marketing Administration, *infra.*

Bureau of Internal Revenue

[26 CFR, Part 180]

MISCELLANEOUS EXCISE TAXES; LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2857, 2853, 3171, 3176, 3250, 3254, 3270, 3271, 3272, 3350, 3360 and 4041 of the Internal Revenue Code (U. S. C., Title 26, secs. 2857, 2853, 3171, 3176, 3250, 3254, 3270, 3271, 3272, 3350, 3360 and 4041).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Regulations 24, "Liquors and Articles from Puerto Rico and the Virgin Islands," approved June 16, 1941 (26 CFR, Part 180) are hereby amended by adding the following new sections:

SUBPART A—PRODUCTS COMING INTO THE UNITED STATES FROM PUERTO RICO

GENERAL

Special (Occupational) Taxes

§ 180.12a *Liquor dealers' special taxes.* Every person bringing liquors into the United States from Puerto Rico, who sells, or offers for sale, such liquors must file Form 11, "Special Tax Return," with the Collector of Internal Revenue, and pay special (occupational) taxes as wholesale dealer in liquor or retail dealer in liquor, or both, in accordance with the law and regulations governing the payment of such special taxes (26 CFR, Part 194). (Secs. 3176, 3250 (a) (b) 3254 (b), (c), 3270, 3271, 3272, 3360, I. R. C.)

§ 180.12b *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person bringing distilled spirits into the United States from Puerto Rico,

who sells, or offers for sale, warehouse receipts for distilled spirits stored in warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold, or offered for sale, and must file return and pay occupational tax as provided in § 180.12a. (Secs. 3176, 3250 (a), 3254, 3270, 3271, 3272, 3360, I. R. C.)

RECORDS AND REPORTS

§ 180.89a *Record of warehouse receipts.* Every person bringing distilled spirits into the United States from Puerto Rico, who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts, on Form 52F "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of distilled spirits need not be reported on Form 52F. Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 180.90 with respect to the time of making entries, of § 180.91 with respect to a separate record of serial numbers of cases, and of § 180.93 with respect to forms to be provided by users, are hereby made applicable to Form 52F The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The arrival of distilled spirits in customs custody, and the disposition of such distilled spirits from customs custody, at the time of their sale or withdrawal therefrom, shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 180.88, and the physical receipt and disposition of distilled spirits at the wholesale liquor dealer premises of the person bringing distilled spirits into the United States from Puerto Rico, shall continue to be reported on Record 52 in accordance with the provisions of §180.89. (Secs. 2857, 2858, 3171, 3176, 3254, 3360, I. R. C.)

§ 180.89b *Place where Form 52F shall be kept.* Every person bringing distilled spirits into the United States from Puerto Rico shall keep Form 52F at the place of business where warehouse receipts are sold, or offered for sale. (Secs. 2857, 2858, 3171, 3176, 3254, 3360, I. R. C.)

SUBPART B—PRODUCTS COMING INTO THE UNITED STATES FROM VIRGIN ISLANDS

GENERAL PROVISIONS

Special (Occupational) Taxes

§ 180.103a *Liquor dealers' special taxes.* Every person bringing liquors into the United States from the Virgin Islands, who sells, or offers for sale, such liquors must file Form 11, "Special Tax Return," with the Collector of Internal Revenue and pay special (occupational) taxes as wholesale dealer in liquor or retail dealer in liquor, or both, in accordance with the law and regulations governing the payment of such special taxes (26 CFR, Part 194) (Secs. 3176, 3250 (a) (b) 3254 (b) (c) 3270, 3271, 3272, 3350, 4041, I. R. C.)

§ 180.103b *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person bringing distilled spirits into the United States from the Virgin Islands, who sells, or offers for sale, warehouse receipts for distilled spirits stored in warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold, or offered for sale, and must file return and pay occupational tax as provided in § 180.103a. (Secs. 3176, 3250 (a), 3254, 3270, 3271, 3272, 3550, 4041, I. R. C.)

RECORDS AND REPORTS

§ 180.141a *Record of warehouse receipts.* Every person bringing distilled spirits into the United States from the Virgin Islands, who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts, on Form 52F "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of distilled spirits need not be reported on Form 52F Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 180.142 with respect to the time of making entries, of § 180.143 with respect to a separate record of serial numbers of cases, and of § 180.145 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The arrival of distilled spirits in customs custody, and the disposition of such distilled spirits from customs custody at the time of their sale or withdrawal therefrom, shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 180.140, and the physical receipt and disposition of distilled spirits at the wholesale liquor dealer premises of the person bringing distilled spirits into the United States from the Virgin Islands shall continue to be reported on Record 52 in accordance with the provisions of § 180.141. (Secs. 2857, 2858, 3171, 3176, 3254, 3350, 4041, I. R. C.)

§ 180.141b *Place where Form 52F shall be kept.* Every person bringing distilled spirits into the United States from the Virgin Islands shall keep Form 52F at the place of business where warehouse receipts are sold, or offered for sale. (Secs. 2857, 2858, 3171, 3176, 3254, 3350, 4041, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 47-9754; Filed, Oct. 31, 1947; 8:46 a. m.]

[26 CFR, Part 182]

MISCELLANEOUS EXCISE TAXES; INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2857, 2859, 3103, 3105, 3124, 3176, 3250 (a) 3254, 3270, 3271 and 3272 of the Internal Revenue Code (U. S. C., Title 26, secs. 2857, 2859, 3103, 3105, 3124, 3176, 3250 (a) 3254, 3270, 3271 and 3272)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Regulations 3, "Industrial Alcohol," approved March 6, 1942 (26 CFR, Part 182) are hereby amended by adding the following new sections:

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

SALES OF ALCOHOL

§ 182.485a *Warehouse receipts covering alcohol.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of an industrial alcohol plant or bonded warehouse who sells, or offers for sale, warehouse receipts for alcohol stored in industrial alcohol bonded warehouses or customs bonded warehouses, or elsewhere, or who sells, or offers for sale, distilled spirits (other than alcohol) stored in internal revenue or customs bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale (except sales made at the industrial alcohol plant or industrial alcohol bonded warehouse of warehouse receipts covering alcohol in the industrial alcohol plant or industrial alcohol bonded warehouse, or in the tax-paid storeroom provided in connection with such bonded warehouse) and must file return and pay occupational tax in accordance with the law and regulations governing the payment of such special taxes (26 CFR, Part 194) (Secs. 3103, 3105, 3124, 3176, 3250 (a) 3254, 3270, 3271, 3272, I. R. C.)

RECORDS AND REPORTS OF PROPRIETOR

§ 182.648a *Record of warehouse receipts to be kept by proprietor* Every proprietor of an industrial alcohol plant or bonded warehouse who sells, or offers for sale, alcohol or other distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F "Wholesale Liquor Dealer's Monthly Record and Re-

port of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of alcohol or other distilled spirits need not be reported on Form 52F. Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 182.648 (a) with respect to the time of making entries, of § 182.648 (b) with respect to a separate record of serial numbers of cases, and of § 182.648 (e) with respect to the purchase of forms by the user, are hereby made applicable to Form 52F. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of alcohol from the industrial alcohol plant in connection with which a bonded warehouse is not maintained, shall continue to be reported in accordance with the provisions of § 182.458. The physical removal of alcohol from the industrial alcohol bonded warehouse shall continue to be reported on Forms 1443–A and 1443–B in accordance with the provisions of §§ 182.645 and 182.646, respectively. The physical receipt and disposition of alcohol at tax-paid premises shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 182.648. (Secs. 2857, 2859, 3105, 3124, 3176, 3254, I. R. C.)

§ 182.648b *Place where Form 52F shall be kept.* Every proprietor of an industrial alcohol plant or bonded warehouse shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale. (Secs. 2857, 2859, 3105, 3124, 3176, 3254, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 47-9761, Filed, Oct. 31, 1947; 8:49 a. m.]

[26 CFR, Part 183]

MISCELLANEOUS EXCISE TAXES; PRODUCTION OF DISTILLED SPIRITS

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2857, 2859, 3176, 3250(a) 3254, 3270, 3271 and 3272 of the Internal Revenue Code (U. S. C., Title 26, secs. 2857, 2859, 3176, 3250 (a) 3254, 3270, 3271 and 3272).

[SEAL] GEO. J. SCHOENEMAN, *Commissioner of Internal Revenue.*

1. Regulations 4, "Production of Distilled Spirits," approved February 28, 1940 (26 CFR, Part 183) are hereby amended by adding the following new sections:

SPECIAL (OCCUPATIONAL) TAXES

§ 183.392a *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a registered distillery who sells, or offers for sale, warehouse receipts for distilled spirits held in registered distilleries or stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 183.392. (Secs. 3176, 3250 (a) 3254, 3270, 3271, 3272, I. R. C.)

DISTILLER'S RECORDS AND REPORTS

§ 183.403a *Record of warehouse receipts to be kept by distiller.* Every proprietor of a registered distillery who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts, on Form 52F "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of distilled spirits need not be reported on Form 52F. Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 183.404 with respect to the time of making entries, of § 183.405 with respect to a separate record of serial numbers of cases, and of § 183.407 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of distilled spirits from the registered distillery shall continue to be reported on Form 1533 in accordance with the provisions of § 183.402, and the physical receipt and disposition of distilled spirits at taxpaid premises shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 183.403. (Secs. 2857, 2859, 3176, 3254, I. R. C.)

§ 183.403b *Place where Form 52F shall be kept.* Every distiller shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale. (Secs. 2857, 2859, 3176, 3254, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 47-9760; Filed, Oct. 31, 1947; 8:49 a. m.]

[26 CFR, Part 184]

MISCELLANEOUS EXCISE TAXES; PRODUCTION OF BRANDY

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2857, 2859, 3176, 3250 (a) 3254, 3270, 3271 and 3272 of the Internal Revenue Code (U. S. C., Title 26, secs. 2857, 2859, 3176, 3250 (a) 3254, 3270, 3271 and 3272).

[SEAL] GEO. J. SCHOENEMAN, *Commissioner of Internal Revenue.*

1. Regulations 5, "Production of Brandy," approved February 28, 1940 (26 CFR, Part 184) are hereby amended by adding the following new sections:

SPECIAL (OCCUPATIONAL) TAXES

§ 184.414a *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a fruit distillery who sells, or offers for sale, warehouse receipts for distilled spirits held in fruit distilleries or stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 184.414. (Secs. 3176, 3250 (a) 3254, 3270, 3271, 3272, I. R. C.)

DISTILLER'S RECORDS AND REPORTS

§ 184.422a *Record of warehouse receipts to be kept by distiller.* Every proprietor of a fruit distillery who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F, "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of distilled spirits need not be reported on Form 52F. Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 184.423 with respect to the time of making entries, of § 184.424 with respect to a separate record of serial numbers of cases, and of § 184.426 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or

before the tenth day of the succeeding month. The physical removal of distilled spirits from the fruit distillery shall continue to be reported on Form 15 in accordance with the provisions of § 184.418 and the physical receipt and disposition of distilled spirits at tax-paid premises shall continue to be reported on Form 52E or Record 52 as the case may be, in in accordance with the provisions of § 184.422. (Secs. 2857, 2859, 3176, 3254, I. R. C.)

§ 184.422b *Place where Form 52F shall be kept.* Every distiller shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale. (Secs. 2857, 2859, 3176, 3254, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 47-9757; Filed, Oct. 31, 1947; 8:48 a. m.]

[26 CFR, Part 185]

MISCELLANEOUS EXCISE TAXES; WAREHOUSING OF DISTILLED SPIRITS

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2857, 2859, 3176, 3250(a) 3254, 3270, 3271 and 3272 of the Internal Revenue Code (U. S. C., Title 26, secs. 2857, 2859, 3176, 3250(a) 3254, 3270, 3271 and 3272)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Regulations 10, "Warehousing of Distilled Spirits," approved May 20, 1940 (26 CFR, Part 185) are hereby amended by adding the following new sections:

SPECIAL (OCCUPATIONAL) TAXES

§ 185.463a *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of an internal revenue bonded warehouse who sells, or offers for sale, warehouse receipts for distilled spirits stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 185.463. (Secs. 3176, 3250 (a) 3254, 3270, 3271, 3272, I. R. C.)

RECORDS AND REPORTS OF PROPRIETOR

§ 185.475a *Record of warehouse receipts to be kept by warehouseman.* Every proprietor of an internal revenue bonded warehouse who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of distilled spirits need not be reported on Form 52F Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 185.476 with respect to the time of making entries, of § 185.477 with respect to a separate record of serial numbers of cases, and of § 185.479 with respect to forms to be provided by users, are hereby made applicable to Form 52F The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of distilled spirits from the internal revenue bonded warehouse shall continue to be reported on Form 52C in accordance with the provisions of § 185.474, and the physical receipt and disposition of distilled spirits at tax-paid premises shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 185.475. (Secs. 2857, 2859, 3176, 3254, I. R. C.)

§ 185.475b *Place where Form 52F shall be kept.* Every proprietor of an internal revenue bonded warehouse shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale. (Secs. 2857, 2859, 3176, 3254, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 47-9753; Filed, Oct. 31, 1947; 8:46 a. m.]

[26 CFR, Part 189]

MISCELLANEOUS EXCISE TAXES; BOTTLING OF TAX-PAID DISTILLED SPIRITS

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2803, 2857, 2858, 2871, 3176, 3250 (a) 3254, 3270, 3271 and 3272 of the Internal Revenue Code (U. S. C., Title 26, secs. 2803, 2857, 2858, 2871, 3176, 3250 (a), 3254, 3270, 3271 and 3272)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Regulations 11, "Bottling of Tax-Paid Distilled Spirits," approved May 20, 1940 (26 CFR, Part 189) are hereby amended by adding the following new sections:

SPECIAL (OCCUPATIONAL) TAXES

§ 189.143a *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a tax-paid bottling house who sells, or offers for sale, warehouse receipts for distilled spirits stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 189.143. (Secs. 2803, 2871, 3176, 3250 (a) 3254, 3270, 3271, 3272, I. R. C.)

PROPRIETOR'S RECORDS AND REPORTS

§ 189.132a *Record of warehouse receipts to be kept by proprietor.* Every proprietor of a tax-paid bottling house who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F, "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of distilled spirits need not be reported on Form 52F Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 189.133 with respect to the time of making entries, of § 189.134 with respect to a separate record of serial numbers of cases, and of § 189.136 with respect to forms to be provided by users, are hereby made applicable to Form 52F The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of distilled spirits from the tax-paid bottling house shall continue to be reported on Form 52D in accordance with the provisions of § 189.131, and the physical receipt and disposition of distilled spirits at the contiguous wholesale liquor dealer room not used exclusively for products bottled at the tax-paid bottling house shall continue to be reported on Record 52 in accordance with the provisions of § 189.132. (Secs. 2803, 2857, 2858, 2871, 3176, 3254, I. R. C.)

§ 189.132b *Place where Form 52F shall be kept.* Every proprietor of a tax-paid bottling house shall keep Form 52F at

the place of business where warehouse receipts are sold or offered for sale. (Secs. 2803, 2857, 2858, 2871, 3176, 3254, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 47-9756; Filed, Oct. 31, 1947; 8:47 a. m.]

[26 CFR, Part 190]

MISCELLANEOUS EXCISE TAXES; RECTIFICATION OF SPIRITS AND WINES

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2801, 2857, 2858, 3176, 3250 (a) 3254, 3270, 3271 and 3272 of the Internal Revenue Code (U. S. C., Title 26, sections 2801, 2857, 2858, 3176, 3250 (a) 3254, 3270, 3271 and 3272)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Regulations 15, "Rectification of Spirits and Wines," approved May 20, 1940 (26 CFR, Part 190) are hereby amended by adding the following new sections:

SPECIAL (OCCUPATIONAL) TAXES

§ 190.159a *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every proprietor of a rectifying plant who sells, or offers for sale, warehouse receipts for distilled spirits stored in internal revenue bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where warehouse receipts are sold or offered for sale and must file return and pay occupational tax as provided in § 190.159. (Secs. 2801, 3176, 3250 (a) 3254, 3270, 3271, 3272, I. R. C.)

RECTIFIER'S RECORDS AND REPORTS

§ 190.429a *Record of warehouse receipts to be kept by rectifier* Every proprietor of a rectifying plant who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F, "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of distilled spirits need not be reported on Form 52F. Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 190.430 with respect to the time of making entries, of § 190.431 with respect to a separate record of serial numbers of cases, and of § 190.437 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The physical removal of distilled spirits from the rectifying plant shall continue to be reported on Form 45 in accordance with the provisions of § 190.427; the physical receipt and disposition of distilled spirits at the contiguous wholesale liquor dealer room not used exclusively for products bottled at the rectifying plant shall continue to be reported on Record 52 in accordance with the provisions of § 190.428; and the physical receipt and disposition of distilled spirits at the rectifier's noncontiguous wholesale liquor dealer premises shall continue to be reported on Record 52 in accordance with the provisions of § 190.429. (Secs. 2801, 2857, 2858, 3176, 3254, I. R. C.)

§ 190.429b *Place where Form 52F shall be kept.* Every proprietor of a rectifying plant shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale. (Secs. 2801, 2857, 2858, 3176, 3254, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 47-9755; Filed, Oct. 31, 1947; 8:47 a. m.]

[26 CFR, Part 191]

MISCELLANEOUS EXCISE TAXES; IMPORTATION OF DISTILLED SPIRITS AND WINES

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2857, 2858, 3171, 3176, 3250 (a) 3254, 3270, 3271 and 3272 of the Internal Revenue Code (U. S. C., Title 26, secs. 2857, 2858, 3171, 3176, 3250 (a), 3254, 3270, 3271 and 3272)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Regulations 21, "Importation of Distilled Spirits and Wines," approved October 16, 1940 (26 CFR, Part 191) are hereby amended by adding the following new sections:

SPECIAL (OCCUPATIONAL) TAXES

§ 191.4a *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person engaged in business as an importer of distilled spirits, who sells, or offers for sale, warehouse receipts for distilled spirits stored in customs bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where the warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 191.4. (Secs. 3176, 3250 (a) 3254, 3270, 3271, 3272, I. R. C.)

IMPORTER'S RECORDS AND REPORTS

§ 191.57a *Record of warehouse receipts to be kept by importer.* Every importer who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F, "Wholesale Liquor Dealer's Monthly Record and Report of Purchases and Sales of Warehouse Receipts for Distilled Spirits." Transactions in warehouse receipts not involving the sale of distilled spirits need not be reported on Form 52F. Entries on Form 52F shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. The provisions of § 191.59 with respect to the time of making entries, of § 191.60 with respect to a separate record of serial numbers of cases, and of § 191.62 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The importation of distilled spirits, and the disposition of such spirits from customs custody at the time of their sale or withdrawal therefrom, shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 191.57, and the physical receipt and disposition of distilled spirits at the importer's wholesale liquor dealer premises shall continue to be reported on Record 52 in accordance with the provisions of § 191.53. (Secs. 2857, 2858, 3171, 3176, 3254, I. R. C.)

§ 191.57b *Place where Form 52F shall be kept.* Every importer shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale. (Secs. 2857, 2858, 3171, 3176, 3254, I. R. C.)

2. This Treasury decision shall be effected on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 47-9752; Filed, Oct. 31, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 162]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

NOTICE OF PUBLIC HEARING WITH RESPECT TO JOINT REGULATIONS PROPOSED BY DEPARTMENTS OF AGRICULTURE AND TREASURY FOR ENFORCEMENT OF SECTION 10 OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

By virtue of section 6b of the Federal Insecticide, Fungicide, and Rodenticide Act, approved June 25, 1947 (Pub. Law No. 104, 80th Cong., 61 Stat. 163), and pursuant to the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238) notice is hereby given of a public hearing to be held in Room 3090, South Building, United States Department of Agriculture, Washington, D. C. beginning at 10:00 a. m., e. s. t., November 20, 1947, with respect to proposed regulations to be promulgated concerning imports under the provisions of section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act. This public hearing is for the purpose of offering all interested persons an opportunity to submit, either orally or in writing, data, views, and arguments with respect to such proposed regulations or any modifications thereof. Persons unable to attend the hearing may submit their views in writing prior to November 20, 1947. Communications should be addressed to the Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C.

§ 162.30 *Definitions.* All terms used in §§ 162.30 to 162.36, inclusive, shall have the meaning set forth for such terms in the Federal Insecticide, Fungicide, and Rodenticide Act and § 162.2 of the regulations promulgated by the Secretary of Agriculture thereunder. In addition the term "Collector of Customs" means any person authorized under the customs laws and regulations to perform the duties of a collector of customs.

§ 162.31 *Registration.* All economic poisons are required to be registered under the provisions of section 4 of the act, and § 162.10 of the regulations promulgated by the Secretary of Agriculture thereunder before being permitted entry into the United States.

§ 162.32 *Declaration.* All invoices of economic poisons and devices imported into the United States shall be accompanied by a declaration of the shipper, made before a United States consular officer, as follows:

I, _____, the undersigned, do hereby declare that I am the _____ of the merchandise herein mentioned, which consists of economic poisons or devices or both. None of this merchandise is adulterated or misbranded or otherwise violates the prohibitions set forth in the Federal Insecticide, Fungicide, and Rodenticide Act in any respect, or is dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made, or from which it is exported. The merchandise was manufactured in _____ by _____ and is exported from _____ consigned to _____.

(Name in full)
(Manufacturer or shipper)
(Country) (Name of manufacturer)
(City)
(City)

Dated at _____ this _____ day of _____, 19_____.

_____
(Signature)

§ 162.33 *Notice of shipments for importation.* The Collector of Customs shall notify the Director of all shipments of economic poisons and devices being imported into the United States and shall detain all such shipments until notified by the Director that the shipment may be released.

§ 162.34 *Drawing of samples of import shipments.* The Collector of Customs shall, upon request by the Director, draw samples of import shipments of economic poisons and devices, and deliver them together with a copy of the labeling, and all accompanying circulars and advertising matter pertaining to such merchandise to the designated laboratory of the Production and Marketing Administration, United States Department of Agriculture.

§ 162.35 *Bond for release of imports pending examination.* Consignments of economic poisons and devices offered for importation into the United States may be detained pending examination to determine whether or not they comply with the requirements of the act, or they may be released to the consignee prior to such examination upon the execution of a customs single-entry or term bond in the appropriate form and in the amount prescribed in regulations of the United States Customs Service, United States Treasury Department, in force on the date of entry, and containing a provision for the redelivery of the merchandise or any part thereof upon the demand of the Collector of Customs at any time. The bond shall be filed with the Collector of Customs, who, in case of default, shall take appropriate action to effect the collection of all liquidated damages provided for in the bond.

§ 162.36 *Procedure after examination.* (a) If, upon examination or analysis of a sample from an import consignment of economic poisons or devices, such sample is found not to be in violation of the act, the Director shall notify the Collector of Customs that the shipment may be released. However, if, upon examination or analysis of the sample and consideration of other evidence in the case such sample is found to be in violation of the act, the owner or consignee shall be notified promptly by the Director of the nature of the violation and be given a reasonable time, not to exceed sixty days, to submit written material or, at his option, to appear before the Director and introduce testimony, to show cause why the shipment should not be destroyed or refused entry.

(b) If, after consideration of all of the evidence in the case, it still appears that the consignment may not lawfully be admitted into the United States, the Director shall notify the Collector of Customs that the merchandise is in violation of the act and the nature of the violation, and thereupon the Secretary of the Treasury (1) shall refuse delivery to the consignee and, under such regulations as he may prescribe, shall cause the destruction of any merchandise not exported by the consignee within 3 months from the date of notice of such refusal of entry or (2) if the shipment has been released to the consignee under bond, shall take action to enforce the terms of said bond.

(Pub. Law 104, 80th Cong., 61 Stat. 163, approved June 25, 1947)

Done at Washington, D. C., this 29th day of October 1947.

JOHN W SNYDER,
Secretary of the Treasury.

[SEAL] CLINTON P ANDERSON,
Secretary of Agriculture.

OCTOBER 16, 1947.

[F. R. Doc. 47-9751; Filed, Oct. 31, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 51781]

PRODUCTS OF BRITISH MALAYSIA AND COLONY OF SINGAPORE

MARKING OF COUNTRY OF ORIGIN

OCTOBER 28, 1947.

Amendment of T. D. 51755 to provide for an additional period during which certain markings are acceptable on articles manufactured or produced in British Malaysia and the Colony of Singapore.

T. D. 51755, which relates to the marking to indicate the name of the country of origin, under the marking provisions of the Tariff Act of 1930, as amended, of articles imported into the United States from British Malaysia, and the Colony of Singapore, is hereby amended to provide that either the markings specified in T. Ds. 45611 (9), 47071 (8), 47209 (2) and 48833 (1) for the territories in question, or the markings listed in T. D. 51755, shall be acceptable on articles arriving in the United States before the expiration of 60 days after the publication of T. D. 51755 in the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 47-9758; Filed, Oct. 31, 1947; 8:47 a. m.]

United States Coast Guard

[CGFR 47-54]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489) and section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authority cited below, the following approval of equipment is prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority.

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND

Approval No. 160.023/1/0, A-P Daynite hand combination flare and smoke distress signal, arrangement Dwg.. No. 4500-AR, Rev. No. 3, dated 17 June 1946, manufactured by Aerial Products, Inc., Merrick, Long Island, N. Y.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275)

Dated: October 27, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-9759; Filed, Oct. 31, 1947; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2030671]

ALASKA

SHORE SPACE RESTORATION NO. 395

OCTOBER 20, 1947.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372) and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F R. 3566) it is ordered as follows:

The following-described tract of public land in Alaska, occupied as a resort and recreational site, is hereby released from the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371) and restored, subject to valid existing rights and the provisions of existing withdrawals, to application and purchase under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U. S. C. 461) as amended.

A tract of land identified as Lot 93 of the Herring Bay Group of Homesites, U. S. Survey No. 2403, latitude 55° 19' 20" N., longitude 131° 30' W., containing 2.14 acres.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-9719; Filed, Oct. 31, 1947; 8:59 a. m.]

[Misc. No. 2143703]

WYOMING

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

OCTOBER 22, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the land hereinafter described has been reconveyed to the United States.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on December 24, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from December 24, 1947, to March 25, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from December 4, 1947, to December 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on March 25, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from March 5, 1948, to March 25, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on March 25, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Evanston, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Evanston, Wyoming.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 115 W.,
Sec. 7, NE¼NE¼.
Sec. 8, W½W½ and E½SW¼.

The area described contains 280 acres.

The land, which is in Wyoming Grazing District No. 5, established October 31, 1936, is mountainous in character with a clay and gravelly soil. The land supports a good growth of native grasses and sagebrush.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-9722; Filed, Oct. 31, 1947; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7279, 7293, 8554-8557]

NEW ENGLAND THEATRES, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of New England Theatres, Inc., Boston, Mass., Docket No. 8557, File No. PCT-140; for construction permit for Boston, Mass. In re application of Allen B. DuMont Laboratories, Inc., Passaic, N. J., Docket No. 7293, File No. PCT-161; for construction permit for Cleveland, Ohio. In re application of Allen B. DuMont Laboratories, Inc., Passaic, N. J., Docket No. 8555, File No. PCT-163; for construction permit for Cincinnati, Ohio. In re application of Interstate Circuit, Inc., Dallas, Tex., Docket No. 8556, File No. PCT-94; for construction permit for Dallas, Tex. In re application of United Detroit Theatres Corporation, Detroit, Mich., Docket No. 7279, File No. PCT-50; for construction permit for Detroit, Mich. In re application of The Fort Industry Company, Detroit, Michigan, Docket No. 8554, File No. BMPCT-80; for modification of construction permit for Detroit, Mich.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of October 1947;

The Commission having under consideration the above-entitled applications for construction permits and for the modification of a construction permit for commercial television stations in the cities listed above; and

It appearing, that on December 20, 1946, the Commission, in a memorandum opinion issued in the matter of Television Productions, Inc., (Docket No. 7264) found that the stock interest of Paramount Pictures, Inc., in Television Productions, Inc., New England Theatres, Inc., Allen B. DuMont Laboratories, Inc., United Detroit Theatres Corporation, Interstate Circuit, Inc., and Balaban and Katz Corporation, constituted control within the meaning of § 3.640 of the Commission's rules and regulations which limits to five the number of television stations which a licensee may "directly or indirectly, own, operate, or control"; and

It further appearing, that on January 16, 1947, Allen B. DuMont Laboratories, Inc., had been granted three authorizations for television stations while Paramount Pictures, Inc., through its subsidiaries, Television Productions, Inc., and Balaban and Katz Corporation, had been granted two such authorizations; and

It further appearing, that, except for The Fort Industry Company, the above applicants were advised by the Commission on January 16, 1947, that their applications would be dismissed unless hearings thereon were requested; and

It further appearing, that Paramount Pictures, Inc., has requested the Commission to reconsider its control finding of December 20, 1946, and that this request presents questions of law and fact which, in the Commission's opinion, should be determined on the record after a hearing; and

It further appearing, that United Detroit Theatres Corporation has applied for Television Channel No. 5 in Detroit while The Fort Industry Company has applied for a modification of its construction permit from Channel No. 2 to Channel No. 5 in Detroit.

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for consolidated hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the stock ownership and management interests of Paramount Pictures, Inc., in the following companies among others: Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, Balaban and Katz Corporation, Interstate Circuit, Inc., and Television Productions, Inc.

2. Whether, in the light of the evidence adduced at the hearing with respect to issue "1" grants of the applications herein, or any of them, would be consistent with § 3.640 of the Commission's rules and regulations.

3. Whether, in the event the Commission decides to grant the application of United Detroit Theatres Corporation, Television Channel No. 5 in Detroit, Michigan, should be assigned to United Detroit Theatres Corporation or to The Fort Industry Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-9733; Filed, Oct. 31, 1947; 8:46 a. m.]

[Docket Nos. 7814, 8083, 8084, 8436]

HOME NEWS PUBLISHING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Home News Publishing Co., New Brunswick, N. J., Docket No. 7814, File No. BP-5129; Kenneth A. Croy, George S. Croy, James H. Croy, and Oliva S. Croy, d/b as The Morristown Broadcasting Company, Morristown, N. J., Docket No. 8436, File No. BP-5841, WSWZ, Incorporated, Trenton, N. J., Docket No. 8084, File No. BP-5590; Capitol Broadcasting Company, Trenton, N. J., Docket No. 8083, File No. BP-4832; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled applications of Home News Publishing Co., requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at New Brunswick, New Jersey, and of Kenneth A. Croy et al, d/b as Morristown Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1250 kc, with 500 w power, daytime only, at Morristown, New Jersey;

It appearing, that the Commission on January 30, 1947, designated for hearing in a consolidated proceeding the applications of WSWZ, Incorporated (File No. BP-5590; Docket No. 8084) requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 5 kw, unlimited time, at Trenton, New Jersey, and Capitol Broadcasting Company (File No. BP-4832, Docket No. 8083) requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 1 kw, unlimited time, at Trenton, New Jersey, said hearing to be held on December 11 and 12, 1947, at the offices of the Commission at Washington, D. C.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Home News Publishing Co. and the Morristown Broadcasting Co. be, and they are hereby, designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other, or with the services proposed in the other pending applications involved in this consolidated proceeding or any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders of January 30, 1947, designating the above-entitled applications of WSWZ, Incorporated and Capital Broadcasting Company for hearing in a consolidated proceeding, be, and they hereby are, amended to include the above-entitled applications of Home News Publishing Co. and Morristown Broadcasting Company, and to include among the issues for hearing, Issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-9732; Filed, Oct. 31, 1947; 8:46 a. m.]

[Docket Nos. 8153, 8154, 8499, 8541]

FRANCISCO RENTAL CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of O. E. Bohlen and O. L. Bohlen, d/b as Francisco Rental Company, Victorville, California, Docket No. 8153, File No. BP-5556; Roy M. Ledford and Kenneth A. Johns, d/b as Riverside Broadcasting Company, Riverside, Calif., Docket No. 8154, File No. BP-5807; Edward Iannelli and John C. Mead, d/b as Redlands Broadcasting Company, Inc., Redlands, Calif., Docket No. 8499, File No. BP-6099; C. M. Brown, Edward I. Hoffman, E. Allen Nutter, William R. Quinn, Edward J. Roberts, Louis P Scherer and James B. Stone, a partnership d/b as Orange Empire Broadcasting Company Redlands, Calif., Docket

No. 8541, File No. BP-6322; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled application of C. M. Brown, Edward J. Hoffman, E. Allen Nutter, William R. Quinn, Edward J. Roberts, Louis P. Scherer and James B. Stone, a partnership d/b as Orange Empire Broadcasting Company for a construction permit for a new standard broadcast station to operate on 990 kc, 1 kw power, daytime only, at Redlands, California;

It appearing, that, the Commission on August 28, 1947 designated for hearing in a consolidated proceeding the above applications of Redlands Broadcasting Company for construction permit for new standard broadcast station to operate on 990 kc, 250 w power, daytime only, at Redlands, California, of Francisco Rental Company for construction permit for a new standard broadcast station to operate on 960 kc, .5 kw, daytime only, at Victorville, California, and of Riverside Broadcasting Company for construction permit for a new standard broadcast station to operate on 960 kc, 1 kw, daytime only, at Riverside, California, and that the said hearing is scheduled for March 10, 1948, at Washington, D. C.,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of C. M. Brown, Edward J. Hoffman, E. Allen Nutter, William R. Quinn, Edward J. Roberts, Louis P. Scherer and James B. Stone, a partnership d/b as Orange Empire Broadcasting Company be, and it is hereby designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's order of August 28, 1947 designating the applications of Francisco Rental Company, Riverside Broadcasting Company, and the Redlands Broadcasting Company for hearing in a consolidated proceeding be, and it is hereby, amended, to include the application of Orange Empire Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-9729; Filed, Oct. 31, 1947; 8:59 a. m.]

[Docket Nos. 8538-8540]

PLAINS BROADCASTING CO. INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Plains Broadcasting Company, Inc., Clovis, N. Mex., Docket No. 8538, File No. BP-6304; New Mexico Broadcasting Company, Inc., Clovis, N. Mex., Docket No. 8540, File No. BP-6320; Sam P. Douglas, Portales, N. Mex., Docket No. 8539, File No. BP-6308; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 16th day of October 1947;

The Commission having under consideration the above-entitled applications of Plains Broadcasting Company, Inc., and New Mexico Broadcasting Company, Inc., each requesting construction permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Clovis, New Mexico and of Sam P. Douglas requesting a construction permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Portales, New Mexico;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-9731; Filed, Oct. 31, 1947; 8:45 a. m.]

[Docket No. 8543]

HUB CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Charles W Holt, Marvin Reuben, and Vernon J. Cheek, d/b as Hub City Broadcasting Company, Hattiesburg, Miss., Docket No. 8543, File No. BP-6143; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Hattiesburg, Mississippi;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Hub City Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the

requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WMOB, Mobile, Alabama, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Nunn Broadcasting Corporation, licensee of Station WMOB, be, and it is hereby made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-9728; Filed, Oct. 31, 1947; 8:59 a. m.]

[Docket Nos. 8550, 8551]

RADIO TENNESSEE, INC., AND H. F OHLENDORF

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Tennessee Inc., Memphis, Tenn., Docket No. 8550, File No. BP-5956; H. F Ohlendorf, Osceola, Ark., Docket No. 8551, File No. BP-6345; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled applications of Radio Tennessee, Inc. for construction permit for a new standard broadcast station to operate on 860 kc, 10 kw daytime only, at Memphis, Tennessee and of H. F Ohlendorf for construction permit for a new standard broadcast station to operate on 860 kc, 1 kw daytime only at Osceola, Arkansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Radio Tennessee, Inc., and H. F Ohlendorf be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-9730; Filed, Oct. 31, 1947; 8:45 a. m.]

[Docket No. 8552]

RADIO SANTA CRUZ (KSCO)

ORDER DESIGNATING APPLICATION FOR HEARING OF STATED ISSUES

In re application of Charles Vernon Berlin, Fred D. McPherson, Jr., and Mahlon D. McPherson, d/b as Radio Santa Cruz (KSCO) Santa Cruz, Calif., Docket No. 8552, File No. BMP-2891, for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled application of Charles Vernon Berlin, Fred D. McPherson, Jr., and Mahlon D. McPherson, a partnership d/b as Radio Santa Cruz, for modification of its construction permit (BP-5105) so as to change hours of operation and install directional antenna for nighttime use (1080 kc, 500 w, 1 kw-LS, DA-N, U),

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical qualifications of the applicant partnership and the partners to construct and operate Station KSCO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KSCO as proposed and the character of other broadcast service available to those areas and populations.

3. To determine whether the operation of Station KSCO as proposed would involve objectionable interference with Station KWJJ, Portland, Oregon, or with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of Station KSCO as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of Station KSCO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-9727; Filed, Oct. 31, 1947; 8:59 a. m.]

[Docket No. 8564]

WBNX BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WBNX Broadcasting Company, Inc., New York, N. Y., Docket No. 8564, File No. BR-250; for renewal of license of radio station WBNX, New York, N. Y.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled application for renewal of the license of Radio Station WBNX, New York, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, said application be, and it is hereby, designated for hearing, at a time and place to be set by subsequent order of the Commission, upon the following issues:

1. To determine whether the applicant has carried out, or has failed to carry out, its representations and proposals heretofore made to the Commission with respect to program service.

2. To obtain full information concerning the nature and character of the program service which has been rendered by the station, with particular reference to the following:

(a) The percentage of time which has been devoted to the broadcasting of com-

mercial programs and of sustaining programs.

(b) The amount of time which the station has devoted to the broadcasting of discussions upon issues of public importance.

(c) The percentage of time which the station has devoted to the broadcasting of (a) sustaining programs, (b) commercial programs, and (c) live talent programs, between the hours of 6:00 p. m. and 11:00 p. m.

(d) The amount of time devoted to the broadcasting of programs containing horse racing and other sports information.

3. To secure full information as to the nature of any contracts or arrangements which have been or are now in effect between the station licensee and brokers, with particular reference to (a) the sale of broadcast time to such brokers, (b) the character of programs broadcast by the station under these brokerage arrangements and (c) the nature of supervision exercised by the station licensee over such programs.

4. To obtain full information concerning applicant's investment in the station, the net broadcast revenues derived from its operation, and the amounts expended on programs.

5. To determine the policy of the applicant for the future with respect to the matters covered in Issues No. 2 and No. 3 above.

It is further ordered, That the license of WBNX be, and it is hereby extended on a temporary basis to November 1, 1950, pending decision in the case.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9726; Filed, Oct. 31, 1947; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29862]

WESTERN RAILROADS

INCREASED PASSENGER FARES

OCTOBER 28, 1947.

By petitions dated October 11 and 20, 1947, the common carriers by railroad operating in western territory (including the entire lines of the Illinois Central Railroad Company and St. Louis-San Francisco Railway Company) request this Commission to authorize petitioners to increase between stations on their lines their interstate basic one-way passenger fares in parlor and standard sleeping cars by 6.06 percent or to approximately 3.5 cents per mile, fractions of less than 0.5 cent to be dropped and fractions of 0.5 cent or greater to be increased to the next whole cent, and to increase such fares between stations on their lines and stations on connecting lines sufficiently to reflect the proposed increases on their lines.

Petitioners state that if authority is granted to increase such basic one-way fares as sought in the petition, it is their intention: (a) to increase their round-trip fares in parlor and standard sleeping cars from 166⅔ percent of the present one-way fare of 3.3. cents per mile (approximately 2.75 cents per mile in each direction) to 166⅔ percent of the proposed one-way fare of 3.5 cents per mile (approximately 2.925 cents per mile in each direction), adding when necessary to make the resulting fare end in "0" or "5" (b) to increase their one-way fares in tourist sleeping cars from approximately 2.75 to 3 cents per mile, disposing of fractions as in paragraph 1 hereof, (c) to increase their round-trip fares in tourist sleeping cars from 160 percent of the present one-way fare of 2.75 cents per mile (approximately 2.475 cents per mile in each direction) to 160 percent of the proposed one-way fare of 3 cents per mile (approximately 2.7 cents per mile in each direction), adding when necessary to make the resulting fare end in "0" or "5", and (d) to increase their excess baggage rates from 20.833 percent of the present one-way fares in parlor and standard sleeping cars of 3.3 cents per mile to 20.833 percent of the proposed one-way fares of 3.5 cents per mile.

The Commission is further asked to modify its order of February 28, 1936, in No. 26550, Passenger Fares and Surcharges, 214 I. C. C. 174, as subsequently modified, sufficiently to permit the establishment and maintenance of the proposed increased fares on interstate traffic. Petitioners further ask the Commission to modify its orders of November 13, 1920, January 11 and 28, 1921, December 8, 1920, January 11 and 27, 1921, May 3, 1921, December 18, 1942, and November 27, 1920, in Nos. 11703, 11761, 11762, 11776, 11860, 11829, 12085, 28846, and 11763, as subsequently modified, sufficiently to permit the establishment and maintenance of like increased intrastate fares within the States of Illinois, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Texas and Wisconsin.

The Commission is further asked to grant such forth-section relief as may be necessary to permit the establishment and maintenance of such increased fares, and to permit such establishment on five days' notice, by simple forms of tariff publication.

The petitions above described have been docketed as No. 29862, Increased Passenger Fares—Western Railroads, and are assigned for public hearing before Examiner Burton Fuller on November 10, 1947, 10 o'clock a. m., United States Standard time, at the Hotel Hamilton, 20 South Dearborn Street, Chicago, Illinois.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States traversed by petitioners, and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX

LIST OF PETITIONERS

Abilene & Southern Railway Company.
The Arkansas Western Railway Company.
The Atchison, Topeka & Santa Fe Railway Company.
The Beaumont, Sour Lake & Western Railway Company (Guy A. Thompson, Trustee).
Burlington-Rock Island Railroad Company.
Camas Prairie Railroad Company.
Canadian National Railways (in Minnesota).
Chicago & Eastern Illinois Railroad Company.
Chicago and North Western Railway Company.
Chicago, Burlington & Quincy Railroad Company.
Chicago Great Western Railway Company.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
Chicago North Shore and Milwaukee Railway Company.
The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees).
Chicago, Saint Paul, Minneapolis and Omaha Railway Company.
The Colorado and Southern Railway Company.
The Denison and Pacific Suburban Railway Company.
The Denver and Rio Grande Western Railroad Company.
Des Moines & Central Iowa Railroad (A. A. McLaughlin, Trustee).
Doniphan, Kensett & Searcy Railway.
The Duluth, South Shore and Atlantic Railway Company (P. L. Solether, Trustee).
Duluth, Winnipeg and Pacific Railway Company.
Fort Dodge, Des Moines & Southern Railway Company.
Fort Worth and Denver City Railway Company.
Great Northern Railway Company.
Green Bay and Western Railroad Company.
Gulf, Colorado and Santa Fe Railway Company.
Gulf, Mobile and Ohio Railroad Company.
Illinois Central Railroad Company.
Illinois Terminal Railroad Company.
International-Great Northern Railroad Company (Guy A. Thompson, Trustee).
The Kansas City Southern Railway Company.
Lake Superior & Ishpeming Railroad Company.
Laramie, North Park & Western Railroad Company.
Louisiana & Arkansas Railway Company.
The Louisiana and North West Railroad Company.
Mineral Range Railroad Company (P. L. Solether, Trustee).
The Minneapolis & St. Louis Railway Company.
Minneapolis, St. Paul & Sault Ste. Marie Railroad Company.
Missouri-Illinois Railroad Company.
Missouri-Kansas-Texas Railroad Company.
Missouri-Kansas-Texas Railroad Company of Texas.
Missouri Pacific Railroad Company (Guy A. Thompson, Trustee).
New Iberia & Northern Railroad Company (Guy A. Thompson, Trustee).
New Orleans, Texas & Mexico Railway Company (Guy A. Thompson, Trustee).
Northern Pacific Railway Company.
Northwestern Pacific Railroad Company.
Oregon Trunk Railway.
Pacific Electric Railway Company.
Panhandle and Santa Fe Railway Company.
Pecos Valley Southern Railway Company.
Quanah, Acme & Pacific Railway Company.
The St. Louis, Brownsville and Mexico Railway Company (Guy A. Thompson, Trustee).
St. Louis-San Francisco Railway Company.
St. Louis, San Francisco and Texas Railway Company.

St. Louis Southwestern Railway Company.
St. Louis Southwestern Railway Company of Texas.
San Antonio, Uvalde & Gulf Railroad Company (Guy A. Thompson, Trustee).
San Diego & Arizona Eastern Railway Company.
Saratoga & Encampment Valley Railroad Company.
Southern Pacific Company.
Spokane International Railroad Company.
Spokane, Portland and Seattle Railway Company.
Texas and New Orleans Railroad Company.
The Texas and Pacific Railway Company.
Texas-New Mexico Railway Company.
Tremont & Gulf Railway Company.
Union Pacific Railroad Company.
Wabash Railroad Company.
The Weatherford, Mineral Wells and Northwestern Railway Company.
The Western Pacific Railroad Company.
The Wichita Valley Railway Company.

[F. R. Doc. 47-9748; Filed, Oct. 31, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 335]

RECONSIGNMENT OF ORANGES AT CINCINNATI, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Cincinnati, Ohio, October 22, 1947, by Atlantic Commission Company, of car PFE 61448, oranges, now on the Southern Railway, to Atlantic Commission Company, Pittsburgh, Pa.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of October 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-9749; Filed, Oct. 31, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-106, 31-524, 54-107, 31-523, 59-52]

BUFFALO, NIAGARA AND EASTERN POWER CORP. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 24th day of October 1947.

In the matters of Buffalo, Niagara and Eastern Power Corporation, File Nos. 54-106; 31-524; Niagara Hudson Power Corporation, File Nos. 54-107; 31-523; Niagara Hudson Power Corporation and its subsidiary companies, File No. 59-52.

The Commission, having by order dated October 4, 1945, approved a plan of reorganization and consolidation of Buffalo, Niagara and Eastern Power Corporation and certain of its subsidiaries, which plan provided, among other things, for (1) the disposition by Niagara Hudson Power Corporation ("Niagara Hudson") within one year from November 1, 1945, of all of its interests, direct or indirect, in Buffalo Niagara Electric Corporation ("Buffalo Niagara") unless such time is extended or the disposition requirements of the order modified or altered, and (2) the issuance and sale by Niagara Hudson of unsecured notes to seventeen banks in the principal amount of $40,000,000, such notes to mature in their entirety two years after date of issue with an option to extend the maturity of such notes for a period of three years, with the consent of this Commission; and

The Commission having, by orders dated October 28, 1946 and April 22, 1947, extended to November 1, 1947 the time within which Niagara Hudson must dispose of its interests in Buffalo Niagara; and Niagara Hudson having, within this intervening period, reduced the amount of its bank indebtedness incurred under the plan from $40,000,000 to $28,500,000, and having represented that payments of $1,500,000 and $1,100,000 will be made on or before November 1, 1947 and February 1, 1948, respectively so that at the latter date the indebtedness will be reduced to $25,900,000; and

Niagara Hudson having requested the Commission to enter an order (1) extending to May 1, 1948 the time within which it must dispose of its interest in Buffalo Niagara, and (2) consenting to an extension of time to November 1, 1950 for final payment of all obligations to the banks under its credit agreement dated July 12, 1945, as amended February 7, 1947; and

Public notice of the filing of said request having been duly given by this Commission's Notice of Filing, dated October 7, 1947, and the Commission not having received a request for a hearing with respect thereto within the period specified in said Notice of Filing, or otherwise, and the Commission not having ordered a hearing thereon; and

It appearing to the Commission, upon the basis of the reasons advanced and representations made by Niagara Hudson that it is appropriate in the public interest and the interest of the investors to grant said request:

It is therefore ordered, That Niagara Hudson Power Corporation's request for a six months extension to May 1, 1948 of the time within which it must dispose of all its interest, direct or indirect, in Buffalo Niagara Electric Corporation and all the subsidiaries thereof, as provided in the amended plan of Niagara Hudson Power Corporation approved by the Commission's Order of October 4, 1945, and for an extension of time to November 1, 1950 for the final payment of all Niagara Hudson's obligations to the banks under its credit agreement dated July 12, 1945, as amended February 7, 1947, be, and the same is hereby, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-9744; Filed, Oct. 31, 1947; 8:48 a. m.]

[File Nos. 59-22, 52-27, 54-125]

NORTH AMERICAN GAS AND ELECTRIC CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 21st day of October 1947.

In the matter of North American Gas and Electric Company, Washington Gas and Electric Company, Nathan A. Smyth and Leo Loeb, trustees of the estate of Washington Gas and Electric Company, Southern Utah Power Company, et al., respondents, File No. 59-22; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under chapter X of the Bankruptcy Act of Washington Gas and Electric Company, debtor, File No. 52-27; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under chapter X of the Bankruptcy Act of Washington Gas and Electric Company, debtor, Southern Utah Power Company, File No. 54-125.

The Commission having, by its order dated October 21, 1946 entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act") directed that Washington Gas and Electric Company ("Washington"), a registered holding company, and Nathan A. Smyth and Leo Loeb, as Trustees of Washington, Debtor in Reorganization under Chapter X of the Bankruptcy Act, said Trustees being also a registered holding company, sever their relationship with Southern Utah Power Company ("Southern Utah"), a public utility company and a subsidiary of Washington and of said Trustees, by disposing of their direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by Southern Utah;

Proceedings having been pending before the Commission with respect to the recapitalization of Southern Utah and the Commission, by order dated September 30, 1947, having authorized, among other things, the exchange of Washington's holdings of preferred and common stocks of Southern Utah for new common stock of Southern Utah and such exchange having been recently consummated;

Proceedings being pending before the Commission under section 11 (f) of the act with respect to an amended plan of reorganization of Washington, said plan containing a provision that the securities of Southern Utah held by Washington shall be distributed, or sold and the proceeds of sale distributed, among the

creditors of Washington within six months after the confirmation of the plan;

Said Trustees having filed an application pursuant to section 11 (c) of the act requesting that the time for compliance with said order of October 21, 1946, which requires that said Trustees and Washington sever their relationship with Southern Utah, be extended until six months after the confirmation of said reorganization plan of Washington;

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the time within which said Trustees and Washington shall be required to comply with the aforementioned order of October 21, 1946 be extended for a period of six months from October 21, 1947 or until April 21, 1948, without prejudice to the right to apply for a further extension of time for compliance with said order as the circumstances may warrant:

It is ordered, That the time within which Washington and the said Trustees shall comply with said order of October 21, 1936 be, and hereby is, extended for a period of six months from October 21, 1947 or until April 21, 1948, without prejudice to the right to apply for a further extension of time for compliance with said order of October 21, 1946 as the circumstances may warrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-9743; Filed, Oct. 31, 1947; 8:48 a. m.]

[File No. 70-1630]

PUBLIC SERVICE CO. OF INDIANA, INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 24th day of October A. D. 1947.

Public Service Company of Indiana, Inc. ("Public Service") a public utility subsidiary of The Middle West Corporation, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 requesting an exemption from the provisions of sections 6 (a) and 7 thereof with respect to the issuance and sale of $15,000,000 principal amount of First Mortgage Bonds, Series G ----%, due 1977, pursuant to the competitive bidding provisions of Rule U-50; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application, as amended, be and the same hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional condition:

1. That the proposed sale of bonds by Public Service shall not be consummated until the results of competitive bidding, pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in light of the record so completed which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for such purposes;

It is further ordered, That the ten day period required by Rule U-50 for inviting bids for the purchase of the bonds be shortened to a period of not less than nine days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-9742; Filed, Oct. 31, 1947; 8:48 a. m.]

[File No. 70-1643]

ELECTRIC BOND AND SHARE CO. AND CAROLINA POWER & LIGHT CO.

ORDER GRANTING AND PERMITTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of October A. D. 1947.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, and its subsidiary, Carolina Power & Light Company ("Carolina") having filed a joint application and declaration pursuant to sections 6 (b) 9, 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43, U-44 and U-50 of the rules and regulations promulgated thereunder regarding the issue and sale by Carolina, by means of an underwritten offer to its common stockholders of 90,935 additional shares of common stock as to which an exemption from the competitive bidding requirements of Rule U-50 and authority to stabilize the market price of such common stock are requested, and further regarding a proposal by Bond and Share to acquire and sell the subscription rights to which it will become entitled or to exercise such rights, and either retain or sell the stock thus obtained; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having entered its findings and opinion herein:

It is ordered, That pursuant to the applicable provisions of the act, the aforesaid application and declaration, with the exception of that portion thereof pertaining to Bond and Share's proposals, be, and hereby are, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the following further terms and conditions:

(1) That the proposed sale of common stock shall not be consummated until the results of the negotiations with underwriters with respect thereto shall have been made a matter of record in the proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate; and

(2) That jurisdiction be reserved over the payment of legal fees and expenses.

It is further ordered, That the proposed issue and sale by Carolina of additional shares of common stock be exempted from the provisions of Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-9745; Filed, Oct. 31, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9336]

JOHN ZIMMER

In re: Estate of John Zimmer, deceased. D-28-11613; E. T. sec. 15325.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matthias Grewenig, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the heirs-at-law, names unknown, of John Zimmer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John Zimmer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by John T. Dempsey, as Administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the above named person and heirs-at-law, names unknown, of John Zimmer, deceased, are not within a designated enemy country the national interest of the United States requires that such persons be treated at nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9763; Filed, Oct. 31, 1947; 8:47 a. m.]

[Vesting Order 9899]

CARL SCHILLINGS

In re: Estate of Carl Schillings, deceased. File No. D-28-11801, E. T. sec. 16005.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Schillings, Walter Schillings, Maria Nolle, Fritz Schillings, Josef Schillings, Karl Schillings, Else Schmitt, Hedwig Nolle, and Wilhelmine Kupper, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the issue, names unknown of, Walter Schillings; the issue, names unknown of Maria Nolle; the issue, names unknown of Fritz Schillings; the issue, names unknown of Josef Schillings; the issue, names unknown of Karl Schillings; the issue, names unknown of Else Schmitt; the issue, names unknown of Hedwig Nolle; and the issue, names unknown of Wilhelmine Kupper, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Carl Schillings, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Rose Loebel and Karl Burkhardt, as Executors, acting under the judicial supervision of the Surrogate's Court of Bronx County, State of New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof, and the issue, names unknown of Walter Schillings; the issue, names unknown of Maria Nolle; the issue, names unknown of Fritz Schillings; the issue, names unknown of Josef Schillings; the issue, names unknown of Karl Schillings, the issue, names unknown of Elsie Schmitt, the issue, names unknown of Hedwig Nolle, and the issue, names unknown of Wilhelmine Kupper, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-9766; Filed, Oct. 31, 1947; 8:47 a. m.]

[Vesting Order 9933]

FREDERICK C. FEIL

In re: Estate of Frederick C. Feil, deceased. File D-28-8816; E. T. sec. 10819.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Look, Else Jansen, Mary Alberts, Ehrich Ramm, and Mariechen Brandt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children of Else Jansen, names unknown; the children of Mary Alberts, names unknown; the children of Ehrich Ramm, names unknown; and the children of Mariechen Brandt, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frederick C. Feil, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Harry M. Kruse, Esq., and William Feil, as Executors of the estate of Frederick C. Feil, deceased, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the children of Else Jansen, names unknown, the children of Mary Alberts, names unknown; the children of Ehrich Ramm, names unknown; and the children of Mariechen Brandt, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc., 47-9770; Filed, Oct. 31, 1947; 8:48 a. m.]

[Vesting Order 9887]

MARION L. WEDEL

In re: Estate of Marion L. Wedel, deceased. File D-28-12017; E. T. sec. 16200.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minnie Brinkmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Marion L. Wedel, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Minnie C. Rheaumo of Hollywood, Florida, and Jean Kraft of West Palm Beach, Florida, as executrices, acting under the judicial supervision of the County Judges' Court of Broward County, Fort Lauderdale, Florida;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-9765; Filed, Oct. 31, 1947; 8:47 a. m.]

[Vesting Order 9896]

FRANCES PAULI KRESS

In re: Estate of Frances Pauli Kress, deceased. File No. D-28-11429; E. T. sec. 15662.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leopold Pauli, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Frances Pauli Kress, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Edward J. Brennan, as Administrator, acting under the judicial supervision of the Court of Probate, District of New Haven, State of Connecticut;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9764; Filed Oct. 31, 1947; 8:47 a. m.]

[Vesting Order 9934]

ROSA FORSTER

In re: Estate of Rosa Forster, deceased. File D-28-11987; E. T. sec. 16144.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Pokorny, Herbert Pokorny and Manfred Pokorny, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Rosa Forster, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Ellis T. Terry, as Administrator, acting under the judicial supervision of the Surrogates' Court, Suffolk County, Riverhead, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 heretofore are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9771; Filed, Oct. 31, 1947; 8:48 a. m.]

[Vesting Order 9900]

LUDWIG SCHWEHM

In re: Stock owned by Ludwig Schwehm. F-28-5271 A-1, F-28-5271 D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Schwehm, whose last known address is Mannheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Eighty (80) shares of no par value common, Class B capital stock of North American Rayon Corporation, 261 Fifth Avenue, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 3403 and 3404, registered in the name of Ludwig Schwehm, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9767; Filed, Oct. 31, 1947; 8:47 a. m.]

[Vesting Order 9367]

SEILER & CO.

In re: Stock owned by Seiler & Co. F-28-1850-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiler & Co., the last known address of which is Munich, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Execu-

tive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: One hundred and fifty (150) shares of no par value common capital stock of American Bemberg Corporation, 261 Fifth Avenue, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 5054 and 5613, registered in the names of Speyer & Co. and Robert M. Lowitz, respectively, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-9768; Filed, Oct. 31, 1947; 8:48 a. m.]

[Vesting Order 9968]

JOSEPH SEISSIGER

In re: Stock owned by Joseph Seissiger. F-28-22563 A-1, F-28-1663 A-1, F-28-22563 D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Seissiger, whose last known address is Wurzburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Eight (8) shares of no par value common, class A and four (4) shares of no par value common, class B capital stock of North American Rayon Corporation, 261 Fifth Avenue, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 3356 and 3251, respectively, registered in the name of St. Joseph Burkardusstiftung, and presently in the custody of The Chase National Bank, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9769; Filed, Oct. 31, 1947; 8:48 a. m.]

[Vesting Order 10007]

WILHELMINE SATOW AND CAROLINE REINCKE NEE SATOW

In re: Debt owing to Wilhelmine Satow and Caroline Reincke nee Satow, also known as Caroline Reineke. D-28-7090.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Satow and Caroline Reincke nee Satow, also known as Caroline Reineke, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of F. P. Anderwald, as Liquidating Agent for Mannhardt & von Helmolt, 77 West Washington Street, Chicago 2, Illinois, representing the distributive shares of the aforesaid nationals in the estate of Herman Satow, deceased, in the amount of $350.00, as of June 11, 1947, presently on deposit in the First National Bank of Chicago, Chicago, Illinois, in an account entitled Mannhardt & von Helmolt B Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Wilhelmine Satow and Caroline Reincke nee Satow, also known as Caroline Reineke, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-9772; Filed, Oct. 31, 1947; 8:48 a. m.]

[Vesting Order 10036]

T. ASAI & CO., INC.

In re: Debt owing to T. Asai & Co., Inc. F-39-1961-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Asai & Co. Inc., the last known address of which is Nagoya, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to T. Asai & Co. Inc., by Continental Representatives, Ltd., 2675 Bailey Avenue, Bronx, New York, in the amount of $4,868.37, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9773; Filed, Oct. 31, 1947; 8:48 a. m.]

[Vesting Order 10037]

ADAM BUCHHEIT ET AL.

In re: Bank account owned by Adam Buchheit, and others. D-28-281-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Buchheit, Maria Buchheit, Anna Buchheit Homberg, Josefine Buchheit Oswald, Josefine Buchheit, Josef Buchheit, Eduard Buchheit, Alfons Buchheit, August Buchheit, Maria Buchheit Sanger, and Herbert Buchheit, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: An undivided fourteen-fifteenths (14/15) interest in that certain debt or other obligation of the Brooklyn Trust Company, 177 Montagne Street, Brooklyn, New York, arising out of a savings account, account number 37080, entitled Chas. Krieg, in trust, for Katharina Buchheit, maintained at the branch office of the aforesaid bank located at 159-17 Jamaica Avenue, Jamaica 2, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adam Buchheit, Maria Buchheit, Anna Buchheit Homberg, Josefine Buchheit Oswald, Josefine Buchheit, Josef Buchheit, Eduard Buchheit, Alfons Buchheit, August Buchheit, Maria Buchheit Sanger, and Herbert Buchheit, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9774; Filed, Oct. 31, 1947; 8:48 a. m.]

[Vesting Order 10039]

OTTO FESELER ET AL.

In re: Bank account owned by Otto Feseler and others. D-28-10797-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth in Exhibit A attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: Those certain debts or other obligations of Mississippi Valley Trust Company, St. Louis, Missouri, arising out of a Blocked Account, entitled Detjen & Detjen (Blocked Account) Attorneys for 26 nationals of Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Feseler, Erich Will, Herbert Will, Ernst Schmidt, Louise Mertz, Karl Durst, Louise Moess, Emile Widmaier, Robert Durst, Rosine Bucher, Imanuel Stueber, Otto Durst, Julie Durst, Emil Durst, Louise F Woehr, Mathilde F. Bellharz, Marie F. Durst, Wilhelmine F. Banz, Luise F. Erb, Karoline Hoernle, Wilhelm Fauth, Gertrud F. Deilke, Helmut Fauth, Robert Fauth, Pauline F. Sinn and Lore Rueber, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address

Otto Feseler, Weimar, Germany.
Erich Will, Coburg, Germany, Adolf Hitlerstr. 17.
Herbert Will, Berlin-Charlottenburg, Germany.
Ernst Schmidt, Porz a/Rhein, Germany.
Louise Mertz, Pfaffenhofen, Germany.
Karl Durst, Pfaffenhofen, Germany.
Louise Moess, Gueglingen, Germany.
Emilie Widmaier, Pfaffenhofen, Germany.
Robert Durst, Pfaffenhofen, Germany.
Rosine Bucher, Pfaffenhofen, Germany.
Imanuel Stueber, Pfaffenhofen, Germany.
Otto Durst, Pfaffenhofen, Germany.
Julie Durst, Pfaffenhofen, Germany.
Emil Durst, Pfaffenhofen, Germany.
Louise F. Woehr, Eibensbach, Germany.
Mathilde F. Bellharz, Eibensbach, Germany.
Marie F. Durst, Pfaffenhofen, Germany.
Wilhelmine F. Banz, Eibensbach, Germany.
Luise F. Erb, Eibensbach, Germany.
Karoline Hoernle, Pfaffenhofen, Germany.
Wilhelm Fauth, Bietigheim, Germany.
Gertrud F. Deilke, Wupperthal-Ronsdorf, Germany.
Helmut Fauth, Hamburg, Germany.
Robert Fauth, Almen Str. 29, Mannheim, Germany.
Pauline F. Sinn, Pfaffenhofen, Germany.
Lore Rueber, Gueglingen, Germany.

[F. R. Doc. 47-9775; Filed, Oct. 31, 1947; 8:48 a. m.]

[Vesting Order 10040]

MARTHA FLECK

In re: Bank account owned by Martha Fleck also known as Martha Fleck Koch. F-28-11678-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Ex-

ecutive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Fleck also known as Martha Fleck Koch, whose last known address is Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of Minnesota Federal Savings and Loan Association, 335 Minnesota Street, St. Paul 1, Minnesota, arising out of a Savings Share Account, Account Number 0-12110, entitled William R. Kueffner, Attorney for Martha Kock (nee Fleck) maintained with the aforesaid Association and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Martha Fleck also known as Martha Fleck Koch, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-9776; Filed, Oct. 31, 1947; 8:49 a. m.]

[Vesting Order 10044]

CHARLOTTE HEINK GREIF

In re: Bank account owned by Charlotte Heink Greif also known as Charlotte H. Grief. F-28-114-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Heink Greif, also known as Charlotte H. Grief, whose last known address is Leipzig, Albertstrasse 36, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Charlotte Heink Greif, also known as Charlotte H. Grief, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles, California, arising out of a checking (commercial) account, entitled Charlotte Heink Greif, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-9777; Filed, Oct. 31, 1947; 8:49 a. m.]

[Vesting Order 10049]

HANS HILD

In re: Bank account owned by Hans Hild. F-28-28511 E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Hild, whose last known address is 19 Eckenheimerlandstr., c/o Kind, Frankfurt/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Hans Hild, by East River Savings Bank, 743 Amsterdam Avenue, New York, N. Y., arising out of a savings account, account number 66936, entitled Hans Hild, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9778; Filed Oct. 31, 1947; 8:49 a. m.]

[Vesting Order 10054]

ANNA STRACHE KLIEM ET AL.

In re: Bank account owned by Anna Strache Kliem and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of Fidelity-Philadelphia Trust Company, 135 South Broad Street, Philadelphia 9, Pennsylvania, arising out of a banking account, entitled Walter B. Gibbons, Agent, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Strache Kliem, August Rudolph F. Strache, Clara Strache Thiele, Paul R. K. Strache, Caroline Strache Grasshoff, August Karl O. Strache, Wilhelmina Kunkel, Augustia Victoria Preufert, also known as Augustia Victoria Kunkel Preufert, Elfriede Erna

Dora Jandt, also known as Elfriede Erna Dora Kunkel Jandt, Rudolph Wilhelm Karl Kunkel, Emma Emily Louise Behrendt, also known as Emma Emily Louise Kunkel Behrendt, and Charlotte Elizabeth Agnes Berndt, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

EXHIBIT A

Name, Address and OAP File No.

Anna Strache Kliem, 100 Seestrasse, Berlin, Germany, F-23-28402-E-1.

August Rudolph F. Strache, 11 Kanalstrasse, Wrissen, Germany, F-28-28404-E-1.

Clara Strache Thiele, 92 Bellermaunstrasse, Berlin, Germany, F-28-28516-E-1.

Paul R. K. Strache, 83 Pankow Wolfschagnerstrasse, Berlin, Germany, F-28-28512-E-1.

Caroline Strache Grasshoff, 92 Bellermaunstrasse, Berlin, Germany, F-28-28513-E-1.

August Karl O. Strache, 18 Schulzenderferstrasse, Berlin, Germany, F-28-28403-E-1.

Wilhelmina Kunkel, Stettin, Germany, D-28-12031-E-1.

Augustia Victoria Preufert, also known as Augustia Victoria Kunkel Preufert, Stettin, Germany, D-28-12031-E-1.

Elfriede Erna Dora Jandt, also known as Elfriede Erna Dora Kunkel Jandt, Stettin, Germany, D-28-12031-E-1.

Rudolph Wilhelm Karl Kunkel, Schneidemuhl, Germany, D-28-12031-E-1.

Emma Emily Louise Behrendt, also known as Emma Emily Louise Kunkel Behrendt, Zeuthen, Germany, D-28-12031-E-1.

Charlotte Elizabeth Agnes Berndt, Stolzenhagen, Germany, D-28-12031-E-1.

[F. R. Doc. 47-9779; Filed, Oct. 31, 1947; 8:49 a. m.]

[Vesting Order 10035]

EMILY KOOB

In re: Bank account owned by Emily Koob, also known as Emily Odenwald. F-28-28357-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emily Koob, also known as Emily Odenwald, whose last known address is Hauptstr. 33, Golshausen, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows. That certain debt or other obligation owing to Emily Koob, also known as Emily Odenwald, by The Philadelphia Saving Fund Society, 700 Walnut Street, Philadelphia 6, Pennsylvania, arising out of a Savings Account, account number E17,737, entitled Emily Koob, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9780; Filed, Oct. 31, 1947; 8:49 a. m.]

[Vesting Order 10030]

MOKUICHI OMORI

In re: Estate of Mokuichi Omori, deceased. File F-39-5831-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mine Uchida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Mokuichi Omori, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan)

3. That such property is in the process of administration by Vena Pointer, as Administratrix, acting under the judicial supervision of the County Court of Pueblo County, State of Colorado;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9710; Filed, Oct. 30, 1947; 8:48 a. m.]